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TRANSCRIPT

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MONTGOMERY COUNTY COUNCIL

PRESENT

Councilmember Phil Andrews, President

Councilmember Roger Berliner, Vice President

Councilmember Marc Elrich

Councilmember Valerie Ervin

Councilmember Nancy Floreen

Councilmember Michael Knapp

Councilmember George Leventhal

Councilmember Duchy Trachtenberg

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COUNCIL PRESIDENT ANDREWS:

Good morning, everybody, and welcome to a session of the County Council. We're glad to see everybody this morning and very excited about the recognition that will soon be provided to the Poolesville High School girls volleyball team for winning the state championship. So, glad to see them here today. We are going to be recessing at 11:15 this morning so that Councilmembers can attend an important announcement about the new Energy Center--Clean Energy Center--that will be locating here in Montgomery County. We're very excited about that. So we're going to go ahead and get started, and we're going to begin with an invocation from Reverend Ginger Luke of the River Road Unitarian Universalist Church in Bethesda. So please stand.

GINGER LUKE:

In the name of all that is sacred and holy, and in thanks for the blossoming of this earth, let us pray. May the leaders before us this morning have ears to hear the many differing voices of the people. May they have eyes to see both injustices and the possibilities to address those injustices. May they have hearts to feel the pain of the economic struggles of these days and the wisdom to seek out the best possible options and to act. May they have the patience to receive challenges and the grace to receive thanks, and may we the people be vigilantly and supportively with them throughout their time as our leaders. Amen.

COUNCIL PRESIDENT ANDREWS:

Thank you, Reverend Luke, for that thoughtful invocation. We're now going to have a presentation by Councilmember Knapp recognizing the Poolesville High School volleyball team that won the state championship and... Yes. The toughest part of your season will be getting in the same picture at the end.

COUNCILMEMBER KNAPP:

I'll bet they can figure it out. Thank you, Mr. President. Come on up, ladies. Well, it's always a pleasure to be able to recognize groups of our high-school students who are successful in their endeavors, be they academic or athletic. One of the things that always excites me about getting to recognize a school like Poolesville, however, is it's very reminiscent of, kind of, yesteryear. For those of you who've seen the story or watched the movie "Hoosiers," one of the things that was unique about that story was, back in the state of Indiana, all of the high-school basketball teams, no matter if they were big schools or small schools, all played each other to win the state championship. Unfortunately, they changed that about 10 or 12 years ago, and so now it doesn't work that way anymore, but in Poolesville--the smallest high school in the county--in order for them to have regular season games throughout the year, they have to play all of the schools throughout the county and many schools throughout the state that are much, much larger than they are. So at the end of the season, if I get this right, even though their state championship is against other 1A schools, they've played their entire season against schools that are

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three, four, five times the size that they are, and so it really is indicative of their success. And so I just think that's always kind of heartwarming to me, to know that there are still places where the little guy still comes out on top. And so it is really my pleasure today to have an opportunity to recognize these women, seven of whom are seniors, and sounds like they all have big plans. I'm not sure how many of the plans they told me are actually legitimate, since it sounds like they like to tell some stories, too--which indicates that they also had a pretty fun season, so it's good to win, it's to work hard, but it's also pretty good to have fun. And their coach was --is Fran DuVall, who was the Metropolitan Coach of the Year, and it's apparently been her birthday many, many times through the course of the year, although she hasn't gotten any free meals, she's only gotten free ice cream, as I understand, and has been serenaded at many places throughout the county and state. So apparently that was fun, as well. What I'd like to do is just read a proclamation on behalf of the County Council and then turn it over to the coach and to the team's co-captains for any remarks that they might like to have. A proclamation. Whereas, championship seasons are the result of hard work, focus and determination--qualities the Poolesville High School volleyball team demonstrated in abundance in its run to winning the 2008 Maryland 1A West Region and the 1A State championships; and whereas, despite being the smallest school in the County, on its way to its first state championship, Class 1A Poolesville played a regular season schedule filled with schools of all levels in finishing with an overall record of 19-0 in matches, losing only one game all season; and whereas, many team members contributed to the state championship, including first team All-Met and All-County selection Chelsea Glowacki and first team All-County selections Jenny Better and Paige Sekerak; and whereas, in defeating Glenelg of Howard County in the state final with a three-game sweep by scores of 25-6, 25-7, 25-13, the Falcons lived up to the theme they sang in unison many times of "Don't Stop Believin"--hopefully, we can get a serenade of that a little later--and whereas, throughout the season the team demonstrated the commitment to always do its best under the outstanding leadership of Coach Fran DuVall, who in her 31st year overall of coaching volleyball and 12th at Poolesville, was honored as The Washington Post's All-Met Coach of the Year and The Gazette Newspaper's Montgomery Coach of the Year; now therefore be it resolved that the County Council of Montgomery County, Maryland, hereby congratulates and salutes the Poolesville High School volleyball team, and, be it further resolved that the Montgomery County Council joins with the entire Poolesville community in recognizing the outstanding achievements of the Falcons volleyball team in bringing home another championship banner to Montgomery County. Presented on this 31st day of March in the year 2009--Phil Andrews, Council President. Well done. Who are the captains? Come on up. I have to give--I have to give you the proclamation.

UNKNOWN SPEAKER:
Oh, cool.

COUNCILMEMBER KNAPP:



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So we have to do this. There you go. We'll do a picture at the end.

NEIL GREENBERGER:

First we're going to have a little speech.

COUNCILMEMBER KNAPP:

Do you want to speak first, or do you want to have--you want to have the coach speak first?

UNKNOWN SPEAKER:

Take it away, Fran.

UNKNOWN SPEAKER:

Fran.

FRAN DuVALL:

I just want to say that I learned every day from these girls. Mostly what I learned is that you can work hard, that you can sacrifice, still have fun, and that Poolesville is an amazing community that every day, still, I can't go anywhere in town that someone doesn't congratulate me --people who weren't involved, who didn't have children at the school, they're just part of the community. It's an awesome place, and I hope that these girls take that with them forever, that this experience is a little bit different because of the community that they're in. So, that's it.

COUNCILMEMBER KNAPP:

Great. Thank you. Now you can come up, ladies. Get to walk up in unison again.

UNKNOWN SPEAKER:

You go first.

UNKNOWN SPEAKER:

Jenny.

JENNY BETTER:

All right. Well, on behalf of the team, we would like to thank everyone for recognizing us, and it's nice to live in this community because every single game, the school was literally, like, flooded with people, and people couldn't get in. and just knowing that people were always there and that we had so much support was really nice and...yeah.

UNKNOWN SPEAKER:



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Fran always talks about how a team plays as a heartbeat, and we definitely did that. There is no big, like, roller coaster-- we're down and then we're up. We steadied out, and, like, the girls did awesome, so...Yeah. So, thanks for presenting us with this.

COUNCILMEMBER KNAPP:

You're welcome.

UNKNOWN SPEAKER:

I just want to thank everyone for awarding us this and for the team. These girls are awesome, so... it's been a great season. Thank you.

COUNCILMEMBER KNAPP:

Great.

NEIL GREENBERGER:

And now...

COUNCILMEMBER KNAPP:

Now we get to--now we get to do the picture.

NEIL GREENBERGER:

If we could get everyone closer up and closer in together because--for our pictures' sake. Let's say setters in the front, spikers in the back, huh? That looks good. Make sure I can see you.

COUNCILMEMBER FLOREEN:

Way to go, ladies. Yay!

COUNCIL PRESIDENT ANDREWS:

Congratulations. Thank you all for coming out today, and good luck with the rest of the year, especially the graduating seniors. Congratulations. Thank you, Councilmember Knapp. We'll now move on to general business. Miss Lauer, any announcements?

LINDA LAUER:

Yes. We have a-- several changes for this morning's agenda. On Consent Calendar, Item R, we have the amount that should be inserted there for the supplemental appropriation for the Property Use/Smart Growth Initiative. That's \$12,893,000. We've added an additional item to the Consent Calendar for action on Amendment 1 to the contract for audit services. And Legislative Session, there are three additional bills for introduction--Bill 14-09, Special Capital Improvements Project - Public Safety Headquarters. Public hearing will be April 21 at 7:30; Expedited Bill 15-09, Recordation Tax - Use of Revenue. Public hearing will be May 5 at 7:30; Expedited Bill 16-09, Room Rental and Transient Tax -



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Amendments. Public hearing May 5 at 7:30. There were some changes to the calendar for Thursday. The Public Safety meeting is scheduled now for 8:30 instead of 9:30, and we've added a join Public Safety/MFP meeting at 10:15. We did receive one petition this week. This would be to support the operations and renovation of the Gaithersburg Library.

COUNCIL PRESIDENT ANDREWS:

OK. Thank you, Miss Lauer. Any-- you mentioned the petition. OK. Our next item is action-- approval of minutes of March 16 and March 17, 2009.

COUNCILMEMBER KNAPP:

Move approval.

COUNCIL PRESIDENT ANDREWS:

Councilmember Knapp has moved approval.

COUNCILMEMBER FLOREEN:

Second.

COUNCIL PRESIDENT ANDREWS:

Seconded by Councilmember Floreen. All in favor of approval of the minutes of March 16 and March 17, please raise your hand. That's Councilmember Elrich, Councilmember Floreen, myself, Councilmember Berliner, Councilmember Knapp, Councilmember Ervin, Councilmember Leventhal. They are approved 7-0. I'll note that Councilmember Trachtenberg will be joining us a little bit later. She is speaking at a conference on disability reform this morning. We will now move on to the Consent Calendar. Is there a motion for approval?

COUNCILMEMBER ERVIN:

Move approval.

COUNCIL PRESIDENT ANDREWS:

Moved by Councilmember Ervin.

COUNCIL VICE PRESIDENT BERLINER:

Second.

COUNCIL PRESIDENT ANDREWS:

Seconded by Council Vice President Berliner. Are there any comments on the Consent Calendar? I don't see any at this point. I will give people, a chance, if they have any, to mention it in just a minute. I'm going to note that we're making several confirmations today of appointments by the Executive to different committees, very important committees that help us make better decisions, and today we will be confirming the appointments on the

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Consent Calendar of William Goldberg, Meena Gowda, and Robert Fogarty to the Advisory Committee on Consumer Protection, confirming the appointments of Mary Ellen Menke and John Lodge Gillespie to the Board of Investment Trustees. Mary Ellen Menke will be serving her second or third term--reappointment; confirming the appointment of Susan Farag to the Commission on Juvenile Justice, the appointment of Ronald Wright to the Criminal Justice Coordinating Commission, the appointments of Paolo Amedeo and Jesse-Thomas Lim, Raymond Roberts, and Guy Wright to the Firearm Safety Committee, of David Post, Andrew Der, Norman Mease, Pamela Browning, William Pastor, Laura Miller, Brett Linkletter, and Thomas Paul Allen to the Forest Conservation Advisory Committee, and Randy McDonald to the Mid-County Citizens Advisory Board. And we thank all of our residents who are serving on these boards and commissions for their service to the county. I do not see any other comments, so we're ready, then, to vote on the Consent Calendar. All those in favor, please raise your hand. That's Councilmember Elrich, Councilmember Floreen, myself, Council Vice President Berliner, Councilmember Knapp, Councilmember Ervin, and Councilmember Leventhal. The Consent Calendar is approved, 7-0. We are now ready for Legislative Session, day 13, and introduction of bills. We have five bills for introduction-- the three that were on the addendum plus the two listed on the regular agenda--Bill 12-09, Ethics - Ex Parte Communications, sponsored by Councilmembers Floreen, Ervin, and Leventhal and Council Vice President Berliner and myself. And that public hearing is scheduled for April 28 at 1:30. Councilmember Floreen has a comment.

COUNCILMEMBER FLOREEN:

Yes. Thank you very much, Mr. President. I would like to thank my colleagues--Council President Andrews, Council Vice President Berliner, Councilmembers Ervin and Leventhal--for joining me in this bill, which is to tighten up the rules on ex parte communications. There's a temptation out there for folks to--whether well-intentioned or whatever, to try to influence us, and I think it's very important to draw a line here. We had an unfortunate experience with this recently. I don't think there was any ill intent, but I think it violated the spirit of the law, and I do think that we need to hold ourselves to a very high standard when we are making a decision on the record, and I'm very pleased to have been able to introduce this, and I think it takes us to a higher level of operations and of transparency here, so I support everyone's--I appreciate everyone's support on this. Thanks.

COUNCIL PRESIDENT ANDREWS:

Thank you, Councilmember Floreen. And again, that public hearing is scheduled for April 28 at 1:30. Our next bill for introduction is Bill 13-09--and I should say that that bill, 12-09, is introduced. Bill 13-09, Consumer Protection - Advisory Committee - Membership, sponsored by Councilmember Leventhal, and Councilmember Leventhal has a comment, and please proceed.

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COUNCILMEMBER LEVENTHAL:

This is a bill that's really in the nature of a technical correction. It was brought to my attention by a member of the commission that there is outdated language that requires that a member of the commission come from the Better Business Bureau. This dates back to the establishment of the commission in the early 1970s, so this bill simply substitutes-- you can still find someone from the Better Business Bureau, but it also enables a representative to come from the county Chamber or any local Chamber. That's all that the bill accomplishes. There is no objection to the bill from Eric Friedman, who obviously benefits from the input of this advisory commission. So this should not be a controversial item.

COUNCIL PRESIDENT ANDREWS:

OK. Thank you, Councilmember Leventhal. And that bill is scheduled for public hearing on April 28 at 1:30 PM, and that bill is introduced. We have three other bills for introduction. They're listed on the addendum. Bill 14-09, Special Capital Projects-- Capital Improvement Project - Public Safety Headquarters, sponsored by the Council President at the request of the County Executive. That public hearing is scheduled for April 21 at 7:30 PM. And I don't see any comments. That is important --that we hear from the public on this, and we've had--this has been a subject of some discussion already before the Public Safety and T&E committees, and this will be a chance for formal public comment on the more fully fledged proposal regarding the GE-- former National Geographic building on the GE tract. So that's scheduled for April 21 at 7:30, and that bill is introduced. Next is Expedited Bill 15-09, Recordation Tax - Use of Revenue, sponsored by the Council President at the request of the County Executive. Public hearing is scheduled for May 5 at 7:30 PM. And that bill is introduced. And then Expedited Bill 16-09, Room Rental and Transient Tax - Amendments, sponsored by the Council President at the request of the County Executive. That bill is also scheduled for public hearing on May 5 at 7:30 PM, and without comment, that bill is introduced, as well. So that takes care of the introduction of bills. We now have-- call the bills for final reading. We have two bills before us today for final reading-- Expedited Bill 8-09, Parks Department - Golf Courses - Lease with Revenue Authority - Amendment. The PHED Committee has recommended approval, and I will turn to the chair of the PHED Committee to present the committee's recommendation on Expedited Bill 8-09.

COUNCILMEMBER KNAPP:

Thank you, Mr. President. This bill is a result of--and I will turn to staff in just a moment. Was it a year ago, year and a half ago? That we approved a transfer of the golf courses that were under the administration of Park and Planning to the Revenue Authority. In the course of that transfer, there was also a proviso that indicated if an independent economic analysis were done to determine that certain courses might not actually be financially viable, that the Revenue Authority had the opportunity to effectively turn those facilities back over to Park and Planning. The Sligo Creek Golf Course is a course that has met

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that criteria. What is before us, though, is a lease amendment that basically says that rather than stop operation now, transfer the golf course back to Park and Planning and then just cease operation, Revenue Authority is proposing to transfer the golf course back to Park and Planning but continue operation of that golf course without significant improvements, but to continue play through the summer or at least until October 1. I think I've captured that. And so really the decision before the Council is to either approve the lease amendment, which will continue operation through October 1, or to not approve the lease amendment, at which point the Revenue Authority can cease operation of the golf course almost immediately, and meaning there won't be golf--there won't be any golf played at the Sligo Golf Course this summer. So the committee determined it was probably better to at least get through the summer. We will then--we will give Park and Planning an opportunity in the fall to then have a series of recommendations that they'll make to the Council, hopefully by late next winter or early spring, for consideration in our next capital improvements budget. And so we will ideally have a plan or a course of action for what will occur at Sligo between this time-- between now and this time next year so we can move ahead. And so that's really what's before us, before the Council, is that lease amendment, which will allow continued operation through October 1.

COUNCIL PRESIDENT ANDREWS:

Thank you, chairman Knapp. Good summary. And there is a question or comment from Councilmember Elrich.

COUNCILMEMBER ELRICH:

It's been brought to my attention subsequent to the meeting we had that the independent survey that was conducted for the golf course was conducted by an organization for which the golf course contracts for its own customer survey. And already having a financial relationship with an organization would seem to me to broach any notion of independence between that organization as an independent evaluator because they already have a contract with the golf authority--Revenue Authority --to survey their customers. I'm prepared to support this to keep the course open until the fall, but I think this raises serious questions about the independence of the review that was done. I don't believe it's an independent review if that agency has a contract to do-- to do work for the Revenue Authority, and I don't consider this issue a closed matter at all. So if this is what it takes to get the golf course to stay open for a while, I'm fine with it, but I would put you on notice that I will look to reject your assertion that you've--that in fact you've done an independent study. I don't believe you've hired an independent group to do that.

COUNCIL PRESIDENT ANDREWS:

OK. Thank you, Councilmember Elrich. Councilmember Ervin.

COUNCILMEMBER ERVIN:



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Thank you very much. I'm going to vote to approve this amendment because people in that community are really concerned about what the potential is for after the Revenue Authority decides to no longer operate as a golf course. And I would just also say to Park and Planning that it's really, really important to be very closely engaged with this community around this issue because there's a lot of fear about losing this green space. And this--it's actually a gem. Unfortunately, we could not come to agreement on what should happen there at the golf course. Hopefully today's action will give the community and the Revenue Authority and Park and Planning an opportunity to really sit down and re-engage this community to find some common ground, to use Roger Berliner's term, to get to the end game. So I am going to support the amendment, and I'll look forward to working with all of you over the next several months. Thank you.

COUNCIL PRESIDENT ANDREWS:

Thank you, Councilmember Ervin. Councilmember Leventhal.

COUNCILMEMBER LEVENTHAL:

Well, I'll also vote for this bill, and I didn't have the benefit of the discussion in committee. I do have a lot of questions about how cross-subsidization is working, both with respect to the Revenue Authority's operations and with respect to the Enterprise Fund in Park and Planning. So it may be that the PHED Committee will take that up. If schedule permits, I may be able to participate. I don't know. I will say, as a general principle, I don't think the taxpayers should subsidize golf. I just--we're in a very tight budget, and we've got to say no to something, and I don't think that a golf course ought to be maintained at the expense of taxpayer subsidies. Golf courses, in my view, ought to be self-supporting. Now, I don't mind if one golf course in effect turns a profit in one part of the county and it underwrites the operations of a golf course in a less affluent part of the county, if indeed that is what can occur. But if it ends up that we're subsidizing the operations of golf courses through the General Fund, I'll vote against that, even at the expense of having my own neighbors in the area of Sligo Creek Park get mad at me. I don't support taxpayer subsidies for golf. So I have a lot of questions about how these things are being paid for, how the funds are working. I don't think we have a real good handle on the various inflow and outflow from the Revenue Authority's stream of dollars, and I don't think that we have complete transparency--and this gets to the big conversation that I know is taken place in Chairman Knapp's committee--about the Enterprise Fund and Enterprise Fund facilities. So I'm not a member of that committee, but look forward to learning more about all of these issues.

COUNCILMEMBER KNAPP:

If I might --we, as you may be aware from the emails you've received, are having a conversation as to how parks programs, rec programs, recreation programs in parks, and ultimately how Enterprise Fund programs interact with each other, and so--both as separate activities and how they actually--to your point of cross-subsidization. And that's a conversation that will, I believe, occur more during this budget and will occur through the



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summer as we try to figure out the best organizational structure to, I think, get the best subsidies from the programs that are generating revenue and also maximize the amount of people that can participate in those programs that we have, and so we would welcome your participation at any point along the way. I expect we'll have a number of discussions.

COUNCIL PRESIDENT ANDREWS:

Thank you. And my understanding is that the Revenue Authority is exercising its option here because it has concluded that it can't make--it can't run the Sligo golf course in a profitable way because of the restrictions. Is that correct?

KEITH MILLER:

That is correct. Yes. We believe the information that has been provided shows that the golf course is adverse to the entire golf system as a whole, and the facility is not profitable. And under its current format, the industry data supports that standalone nine-hole facilities, to your point, are three times more likely not to be profitable.

COUNCIL PRESIDENT ANDREWS:

OK. Thank you. Council Vice President Berliner.

COUNCIL VICE PRESIDENT BERLINER:

Could you respond to my colleague's observation with respect to the profitability generally with respect to golf courses? Assuming Sligo were not part of the system, what would that mean in terms of the rest of the operations in terms of profit loss?

KEITH MILLER:

Well, again, everything that the Revenue Authority does, any profits, if you would say, that the Revenue Authority was to make would be reinvested back into the system. So ultimately our goal is to build a sustainable system while investing in infrastructure improvements and so on and so forth. And removing Sligo will make the system stronger and more able to meet that goal of sustainability.

MARLENE MICHAELSON:

Just to clarify, there is no taxpayer subsidy going to the Revenue Authority, and so they have operated and I believe will continue to operate without that subsidy.

COUNCIL VICE PRESIDENT BERLINER:

OK. So in this moment in time, there is no taxpayer subsidy with respect to--but that-- is that because we're looking at all of them combined? If we were to break down these pieces, would we find some pieces, in fact, are bleeding the system and some pieces are not? And where in that conversation are the golf courses?

MARLENE MICHAELSON:



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Well, among the golf courses, some are more profitable than others. Little Bennett is a little bit problematic, but for many reasons, they believe that that is still an important part of the system and can improve over time. They did not reach the same conclusions on Sligo. So the analysis looked at how the entire system can continue to operate without any type of taxpayer subsidy.

COUNCIL VICE PRESIDENT BERLINER:
Great. Thank you.

COUNCIL PRESIDENT ANDREWS:
OK. Thank you. Councilmember Elrich.

COUNCILMEMBER ELRICH:
I would invite Councilmember Berliner to look at some of the memos that came along with this because it is true that Little Bennett loses more money--hemorrhages money, might be a better word-- compared to Sligo, and there's a great concern in the community that rather than trying to find a productive solution for Sligo, that there were either/or's given and that when the community didn't respond well to the either/or choices, that the response of the Revenue Authority was simply to propose to wash their hands of it. And there's also serious concern about the allocation of costs-- overhead costs--to all the golf courses in equal manner when obviously not all golf courses employ the same number of people or operate with the same intensity. So I think there are reasons to question all this, along with--again, the independence of the group that made the evaluation for them. It's like this was a foregone conclusion.

COUNCIL PRESIDENT ANDREWS:
Thank you, Councilmember Elrich. Councilmember Ervin.

COUNCILMEMBER ERVIN:
I just wanted to respond to what Councilmember Elrich just said, and that is that I wanted to make sure that we're not giving the wrong information to people who might be listening, and that is, is it true that there was only an either/or given to that community, or was there some other broader conversation about what could actually take place on that property?

KEITH MILLER:
There was a much broader discussion as to what could happen at the golf course and the facility. We worked with a group--the process has been ongoing since really March of 2007. So really, it's just we've --basically, at the end of two years in trying to work with the community. First the Revenue Authority proposed its concept, and after the community opposed that concept, we then formed the Sligo Creek Advisory Stakeholders Committee, which met from April of 2008 until September of 2008--basically met every other week for that time period to try and come up with alternatives, and we were not able to reach a



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common ground as far as alternatives that would meet the financial needs of the facility and satisfy the concerns of the residents.

COUNCILMEMBER ERVIN:

I think it's just an important point as we move forward that we're not entrenched in an either/or conversation here. I think we need to broaden the framework. And for those folks who are listening, I know that you worked very hard with the community and the community worked hard with the Revenue Authority, and whatever happened happened, and we're here today making this decision, and like I said earlier, we need to do all that we can to re-engage this community and try to come to some--I have to say it-- common ground.

COUNCIL PRESIDENT ANDREWS:

OK. And I think the last comment, Councilmember Floreen.

COUNCILMEMBER FLOREEN:

Thanks. Well, I just draw everyone's attention to the action today, which is really to keep it open for the next couple of months. Otherwise, we would have nothing there, and it is-- you know, it certainly was our hope in the committee that maybe some solutions can be reached, but at the end of the day, it's a question of who pays. And is this an operation that--in the fall, we'll have to decide, is this something we want to subsidize and treat it as a community benefit outside of an established revenue stream? It's going to leave the Revenue Authority, and we've just extended the decisionmaking experience, at this point in time. Maybe it can be worked out, but these are going to be tough times, and it is a challenge, and given what we are looking at today--which is anywhere between 50 to 100 million dollars in--decrease in operating dollars for Montgomery County, I think we're going to be continuing to face really difficult decisions not --unlike--like this one, that we will have to face up to later on. So the decision today is to benefit the community, keep it open, allow this conversation to occur, but with some attention to the realistic challenges that we face.

COUNCIL PRESIDENT ANDREWS:

All right. Good summary. OK, I think we're ready to vote on this bill. Expedited Bill 8-09 requires six votes. It's a roll call. Will the clerk please call the roll?

CRYSTAL BROCKINGTON:

Mr. Elrich.

COUNCILMEMBER ELRICH:

Yes.

CRYSTAL BROCKINGTON:



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Miss Floreen.

COUNCILMEMBER FLOREEN:
Yes.

CRYSTAL BROCKINGTON:
Miss Ervin.

COUNCILMEMBER ERVIN:
Yes.

CRYSTAL BROCKINGTON:
Mr. Knapp.

COUNCILMEMBER KNAPP:
Yes.

CRYSTAL BROCKINGTON:
Mr. Berliner.

COUNCIL VICE PRESIDENT BERLINER:
Yes.

CRYSTAL BROCKINGTON:
Mr. Leventhal.

COUNCILMEMBER LEVENTHAL:
Yes.

CRYSTAL BROCKINGTON:
Mr. Andrews.

COUNCIL PRESIDENT ANDREWS:

Yes. The bill is approved, 7-0. Thank you. Our final bill for final reading this morning is Expedited Bill 33-08--thank you all at the table-- Secondhand Personal Property - Amendments, and the Public Safety Committee recommends approval with amendments, and I will discuss a little bit, and I have the benefit of having Bob Drummer here as well as Mike Fadden. Mr. Drummer worked very hard on this bill, and we had three worksessions on this bill to really explore this issue, and we benefitted a great deal from Captain Cunningham and Maureen Stewart--Maureen Walter. I'm sorry. Maureen Walter, who has worked this area of the Police Department for at least a couple decades and is a legend in her field of investigating secondhand property that can be tied to crime. So we appreciate



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their input. This bill reflects the committee's judgment about expanding the coverage of the law--clarifying, I should say, the coverage of the law, because there was a lot of indication that there was already coverage, but it wasn't definitive, in some ways, to ensure that we also include, under the ambit of secondhand personal property distributors, those who are selling on the Internet as a business. So, I'm going to have Mr. Drummer make some opening comments about this, because his packet was outstanding, and then I'll make a couple of comments myself. The committee recommendation is before us, and then we can have some discussion. Mr. Drummer.

ROBERT DRUMMER:

Well, the Secondhand Personal Property Law, which was first enacted in 1983--these are amendments to --the bill has--the original law has three basic parts. One is a requirement that the dealers in secondhand personal property get a license from the Office of Consumer Protection. Two, that they report all their sales to the police department, all the property that they take in, and hold it--three, that they hold it for a certain period of time. The current law is 18 days before they dispose of it, to give the police department time to check stolen property reports against the property that's being sold through the dealers. The bill would essentially-- would make a change, one, to the definition of secondhand personal property dealer. There was some question--the Office of Consumer Protection had interpreted the current law to include the new wave of businesses represented by the-- I think these two businesses that came to speak, I Sold It on eBay and Drop 'n' Shop, were businesses that received secondhand personal property from customers, and rather than buying it from them, they received it and then would put it up for sale on eBay and then disperse the proceeds of the sale to the customer and retain a fee for having sold it. The bill would make it clear that they're now covered by this-- by this law. And it would also --the original bill as drafted extended the mandatory holding period from 18 days to 30 days. The committee moved that back to 21 days after hearing from these two businesses that would be affected. And the bill also makes it--prohibits transactions with minors on secondhand personal property. And... And the other thing that the committee did was remove the requirement--the reporting requirement in the current law requires that the customer report their Social Security number. The committee agreed that, one, that the police department didn't actually need that. That was confirmed by the police department. They weren't always getting it anyway, and in today's world, unlike in 1983, handing out your Social Security number in order to sell a piece of secondhand personal property was not something that a lot of people felt comfortable doing, and since it wasn't really necessary, that was removed from the bill as a requirement-- that they--the dealers obtain the customer's Social Security number and provide it to the police department.

COUNCIL PRESIDENT ANDREWS:

OK. Thank you for that summary. The committee looked at this for a while because we wanted to strike what we thought was the right balance here, and at the end of our first worksession in December, we heard from Mr. Hadad, who is here today, and we went



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back and had another two worksessions to really consider his concerns that he raised. And we did adjust the date, the holding requirement date, in response to that so that it's 21 days before property could be released or sold, rather than 30. And we also agreed that it's not necessary to have the Social Security number and that can be a source of concern for people who might want to use these organizations because of the concern about identity theft with that, and that the information that's on a license plate--on a driver's license, in terms of physical description, should be sufficient. And we will come back as a committee and review how this is working, as well, because we want to be careful in how we legislate. But I think this--this hits the right balance. So that is the committee recommendation, and Council Vice President Berliner has a comment.

COUNCIL VICE PRESIDENT BERLINER:

I just want to share with my colleagues, I am a little concerned with respect to this measure that we may be overreaching. I do appreciate that we need to pay serious attention to these types of thefts and the opportunities that the Internet provides for it. But I take seriously when we get a letter, as we did on March 26 from the Sold It people, where they claim that this will put them out of business, and so I ask myself to what extent we are clear that this is a real problem. There are lots of these institutions throughout the country in which the allegation is made, then not a single other jurisdiction in the country regulates these people in this manner. And so it does make me nervous, and so I think it is incumbent on us to appreciate that this could put businesses out of business at this moment in time when I don't think that's really what we want to do. On the other hand, I'm also assuming that we're going to be experiencing more theft in this particular economic climate, as well. And so we have this balance between what do our police need in order to ensure that the Internet is not being used as a way to dispose of stolen goods and what do these companies who specialize in quick turnover of goods, you know... I actually haven't sold hardly anything on the Internet, so I'm probably the worst person to ask, but I've bought things, you know? Golf clubs. I've bought used golf clubs on the Internet which would actually be subject to this legislation. I don't know as a precious metal because the way I hit my metals, they're not very precious, but... So I just want to share with my colleagues I am ambivalent, if you will, with respect to this. I was not present for the committee's final action with respect to this, as the packet notes. And I just think we need to be concerned. And so, to the extent to which we are saying to this business community, we will review this should your worst fears be realized, I think it is incumbent upon the business community that's affected to notify the Council if in fact their worst fears are realized and to see whether or not a different balance is perhaps to be struck here.

COUNCIL PRESIDENT ANDREWS:

Thank you for those comments. We did receive a letter from Chief Manger on this, as well, that made a strong argument that this is a--area where there is evidence that there is increasing activity in transfer of stolen goods and argued that especially given the current economy, we've all types of opportunistic businesses opening up in the secondhand



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industry, and that this is seen by the police department as an important tool in their ability to recover stolen property, and that memo from Chief Manger is on circles 40-42 of the package. Councilmember Leventhal.

COUNCILMEMBER LEVENTHAL:

Well, I just have a useful anecdote. Over the weekend, we put a deposit on a new--on a used electric guitar for my 14-year-old son. He did a lot of research into precisely the model of the guitar that he wanted, and at the--I won't mention the name of the store, but it's a well-known musical equipment instrument store, and he--we--they have a selection of new instruments, and they have a selection of used instruments, and it happened that on the rack was precisely the electric guitar-- used--that he had researched and that he wanted to buy. And we were told that we had to wait 30 days, that it had just come in, and that under this Personal Property law, we couldn't take it home right away. So we put a deposit on it. No one else can buy it, and I thought it was just fine, that, you know, let 30 days elapse. Guitars are frequently stolen. If the police received a report that this guitar was stolen, of course we'll get our money refunded. We're no worse off than we were before. My son is going to take a couple weeks of lessons on an acoustic guitar so that when he finally gets his electric guitar, he'll be able to actually play some chords on it. But as a customer, I did not find it a hardship. It was the first I'd ever heard of this in practice, and I did not find it a hardship to have to wait a few weeks, and we are going to go ahead and buy the guitar anyway. And from the standpoint of the I Sold It on eBay-type businesses, if you are going to be in competition with a physical location, such as a guitar store or a pawnshop, and you're going to represent yourself as better able to do business because you have no warehousing space, and you're not able to maintain inventory and you move it right away, there's a question of, is that fair competition? If a business that has a physical location with storage capability, such as a music store or a pawnshop, must retain property for a certain number of days, but the only difference between that and another business is that they sell it on the Internet and therefore want to sell it more rapidly and they save money on storage space, I'm not clear that that's a really fair competitive practice. So I'm happy to vote for this bill. I'm not moved by the suggestion that sales of stolen goods over the Internet are less likely than sales of stolen goods in person at a pawnshop. That's not a very persuasive argument to me, and I appreciate the work of the Public Safety Committee on this, and I'm happy to vote in favor of this bill.

COUNCIL PRESIDENT ANDREWS:

OK. Thank you, Councilmember Leventhal. Council Vice President Berliner. No?

COUNCIL VICE PRESIDENT BERLINER:

That's OK. I was just going to observe that I--you identified, really, the core issue here. I don't think there's any question with respect to the pawnshops or music shops or people that have physical locations. I think the issue has been raised, and I think appropriately so, that there's a whole different business commerce out there, and it is over the Internet and

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eBay is part of that. And so whether or not we are disadvantaging our competitors with that process, I think, is a fair observation. It isn't whether or not--I guess, from my perspective, whether or not we are disadvantaging Internet suppliers versus those with a physical location I think is a second order of issue. It may not be for you because this commerce exists. It is going forward, and it will-- and it is going to continue to exist. The question is whether or not people who are using these particular modes of commerce do so with an expectation that they will be able to get their transactions completed in a faster period of time, and speed, in this context, is the nature of the game. Now, it can't be speed at the expense of the security that we desire. It's just a question of that balance.

COUNCIL PRESIDENT ANDREWS:
OK. Councilmember Leventhal.

COUNCILMEMBER LEVENTHAL:

It seems quite evident to me that if someone is going to sell secondhand merchandise through whatever form--whether it's in a physical location or over the Internet--that they're going to have to take possession of the merchandise, pay for it, and have adequate cash flow and adequate storage to hold on to the merchandise during the period of time in which this security period expires. And so that is going to be perhaps a different business model for an entity which is in the business of buying and selling secondhand merchandise. They're going to have to have a physical location where they hold on to that merchandise for a few weeks, and they're going to probably have to refrain from listing it on the Internet until such time as they know that it is secure and they've passed the threshold period of time where the police are no longer going to come and tell them the item is hot. That seems like a pretty reasonable requirement. So, in terms of the speed, if the three-week period that the committee has recommended--I think a 30-day period is reasonable, but the committee is recommending 21-- if the 21-day period has expired, then the vendor can list this thing on the Internet and it can sell very rapidly, after the 21-day period has expired.

COUNCIL PRESIDENT ANDREWS:

Thank you. There are differences in how traditional pawnshops and how I Sold It on eBay-type businesses operate in terms of whether they retain the property or pay for it up front. But the concern of the police department is the same in both, and that is to be able to track and recover stolen property. And again, the committee was persuaded that 30 days was longer than we thought was needed to do an adequate job of checking this, so we did reduce it by that nine-day period. It's currently 18, so it would increase to 21 rather than to 30, as the police department originally proposed, because we did listen to the concerns that were raised by Mr. Hadad and others. And we'll come back to this because we want to--we want to get it right, and we want to legislate carefully, but I--at this point, the committee thought it struck the right balance. So--and appreciate the concerns raised by my colleague. Are there any other comments? I don't see them, so... All right. With that,

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we are ready for the vote on this expedited bill, which requires six votes to pass. Will the clerk please call the roll?

CRYSTAL BROCKINGTON:
Mr. Elrich.

COUNCILMEMBER ELRICH:
Yes.

CRYSTAL BROCKINGTON:
Miss Floreen.

COUNCILMEMBER FLOREEN:
Yes.

CRYSTAL BROCKINGTON:
Mr. Leventhal.

COUNCILMEMBER LEVENTHAL:
Yes.

CRYSTAL BROCKINGTON:
Miss Ervin.

COUNCILMEMBER ERVIN:
Yes.

CRYSTAL BROCKINGTON:
Mr. Knapp.

COUNCILMEMBER KNAPP:
Yes.

CRYSTAL BROCKINGTON:
Mr. Berliner.

COUNCIL VICE PRESIDENT BERLINER:
Yes.

CRYSTAL BROCKINGTON:
Mr. Andrews.



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COUNCIL PRESIDENT ANDREWS:

Yes. The bill is passed through, 7-0. Thank you all. And we are right on time, and I wanted to make sure that we did get to the next presentation by 10:30 because--

COUNCILMEMBER KNAPP:

Mr. President, before we get to that, I just had one comment. I apologize. It actually goes back to the Consent Calendar.

COUNCIL PRESIDENT ANDREWS:

OK.

COUNCILMEMBER KNAPP:

Just a point of observation. One of the things that we introduced this morning was a resolution to approve FY10 transportation fees, charges, and fares.

COUNCIL PRESIDENT ANDREWS:

Yes.

COUNCILMEMBER KNAPP:

One of the things that has been discussed --and I know we've received a fair amount of email--at least I have--as it relates to the reduction in local bus service. A number of routes have been proposed to be eliminated by the County Executive, and included --at least as I understand it --included in these proposed, or potentially in the FY10 transportation fees, charges, and fares, are some options to look at how we explore parking pricing and using that as potential subsidies for transit. It's a conversation that we've had at the T&E Committee. It's a conversation we've had at the PHED Committee. But I think it's just something that is--as we're looking at different ways to try to finance important activities in our county and also looking at what types of policies we're putting in place, I think that while this appears kind of fairly innocuous on our Consent Calendar, it's something that is a tip of a much larger discussion, I think, that the county's going to engage in. And I just wanted to put that out there for people's consideration, that it may be more than just the standard, "Hey, we're going to increase a nickel or a dime." We may actually have a little bit broader conversation as a result of this, just in case people are--they're not paying attention to it. Thank you.

COUNCIL PRESIDENT ANDREWS:

All right. Yes, and as you noted, the--some of the proposals in County Executive's recommended budget have attracted a lot of comment already and will continue to, and the resolution here includes a number of options that staff has laid out for public comment, as well. I expect we'll have a good attendance at the public hearing and interest in the subject, and that public hearing is scheduled for April 21 at 1:30. One more comment on this, and then we're going to get to the presentation. Councilmember Floreen.

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COUNCILMEMBER FLOREEN:

Yes. This is always a... it invokes vigorous conversation--the transportation fees issues. I just draw your attention, Mr. Knapp, to a piece of legislation that I'm circulating as we speak amongst our offices that will at least start the conversation with respect to parking lot districts and how we use dollars to assist in transit, as well. So, again, I'll probably raise lots of points of view but hope to have you as a signatory.

COUNCILMEMBER KNAPP:

I look forward to reviewing it. OK.

COUNCILMEMBER FLOREEN:

This came out--off the presses this morning.

COUNCILMEMBER KNAPP:

Oh. All right. Well, I look forward to reviewing it. Thank you.

COUNCIL PRESIDENT ANDREWS:

OK. Thank you, Councilmember Floreen and Councilmember Knapp. We are now going to have a presentation, a report of the Universal Preschool Implementation Work Group. And Councilmember Ervin has been working very diligently on this issue over the past years, and I know that she'll want to make some opening comments, and then we'll have the presentation. We will need to recess at 11:15, so we need to do that. So, Councilmember Ervin.

COUNCILMEMBER ERVIN:

Thank you very much. On July 22, 2008, this Council adopted resolution number 16-664, establishing the Universal Preschool Implementation Work Group. Building on the December 2007 Preschool for All report generated by the Maryland State Task Force on Universal Preschool Education, the County Council established the work group to develop recommendations for implementing a countywide program that provides all county 4-year-olds the opportunity to participate in a high-quality preschool program. We actually are the first and only county thus far to have implemented a universal preschool work group plan in Maryland. This working group worked very hard over many months. Starting in September, they've had 13 meetings, and the long-term vision of this work group is to provide access to voluntary--voluntary-- quality preschool services in a variety of settings across our county. I want to especially acknowledge Kate Garvey from Health and Human Services and Janine Bacquie from MCPS, who have been the co-chairs of this working group, and we--we're really proud of all that you have accomplished over these last few months. And I also want to recognize all the individuals in the audience who served on the working group, and yesterday, there was a press conference, and I didn't get to acknowledge John Surr and Jackie Lichter for their service. So thank you all for being



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here. I'm very gratified by what the County Council has been able to do and what the working group has been able to do, and so we're looking forward, finally, to the--to this report, entitled "Investing in the Future:

A Balanced Approach toward Preschool Expansion in Montgomery County, Maryland." So I will just turn this over now to Kate Garvey and Janine Bacquie and Vivian Yao from our staff. And before I close, I want to say to Vivian Yao and Shondell Foster and my own staffperson, Ben Stutz, who were at every single working group session, and you all worked so hard on our behalf, and we can't thank you enough for your service.

JANINE BACQUIE:

OK. Thank you. I'll just begin. First I just want to also acknowledge the members of the work group-- parents, many community organizations, Council staff, Children's Resource and Referral Center, and many other organizations that contributed to the work that was completed in the work group. This is a report to full Council today, and I'll start with the purpose of the work group. The purpose was to develop recommendations for implementing a voluntary countywide program that provides all 4-year-olds the opportunity to participate in a high-quality preschool early care and education program. Members of the work group have included representation from parents, the Family Child Care Association, Montgomery County Association for Education of Young Children, MCPS and Early Childhood and Special Education, Montgomery County Chamber of Commerce, County Commission on Child Care, Maryland State Teachers Association--and we were very fortunate to have the president of that organization--Rolf Grafwallner from the Maryland State Department of Education, Universities at Shady Grove, Service Employees International Union, the Collaboration Council for Children, Youth and Families, Organization of Child Care, and also Montgomery College.

KATE GARVEY:

Even with that auspicious group, we thought it was very important to also get a tremendous amount of feedback from the community and from other experts, so you'll see through our information-gathering process, we felt it was very important to meet with community groups and parents. We had assistance from IMPACT Silver Spring, Centro Nia, Families Foremost, and the Head Start Policy Council, giving us access to parent feedback that we felt was critical. We also hosted two public forums where we had parents coming forward, child care providers, Montessori providers, preschool providers, and advocates coming to tell us what they felt we needed to do with this plan. We also had an online parent survey where we had more than 1,400 respondents, again, share what their priorities were. We also, along with the Resource and Referral Center, carried out a higher education survey so we could ascertain really where providers currently were with regard to their education. Throughout all of our sessions, we got briefings from experts in the child-care field and early childhood field on where we should go. So what did we hear back from parents? What are the things that they really wanted? High quality. And quality meant different things for different parents. In some cases, the feeling was education

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equaled quality. In other cases, it was experience on the part of the providers. Affordable-- they talked about their current experiences with--more so with child care, and they were clearly saying, whatever happens, we need to be able to afford it. Accessibility-- particularly with the low-income parents, they stressed the need to have hours that reflected their work hours and locations that either were close by or close to transportation, or transportation being offered. Another critical piece that I think has been of value of our work all along is that the services needed to be reflective of the individual family needs, culture, and values. Parents talked about their current experiences in their child-care center or in their program and talked a lot about the importance of a staff who know them, who understand their culture and have responded well to them. As I said before, transportation was also critical, either that the program provided or the programs be near public transportation. Also options--and we have here full and part day, but they also talked about different settings. They'd like to be in a center or in a family child care or in a Montessori. It really clearly said Preschool for All should really take place in all the settings that we have available to us across--across the county. They also wanted options related to services. They wanted to have health screenings, they wanted to have parent involvement, health and mental health services, and nutrition. These were priorities for the things that parents wanted.

JANINE BACQUIE:

What have we learned about meeting the needs of the County 4-year-olds? We've learned that overall there are approximately 13,500 4-year-old children living in Montgomery County. We know that more than 3,900 of them are eligible-- income eligible for services. And when we talk about the state's plan for Preschool for All, their plan is that eventually all four-year-olds, regardless of income, will be able to have access to a high-quality preschool. But we do know that the publicly funded preschool services that we offer through MCPS and through the various community-based programs are operating at or above capacity, with wait lists for some services. We're also operating under the Bridge to Excellence Act, which says we have to serve all low-income families, and clearly we are serving those beyond what we have the capacity for. These programs are reaching about 2,600 income-eligible students, and there are probably about another 1,300 who are eligible to receive these services who have not accessed them, for various reasons. The County has reached the point where the demand for publicly funded preschool exceeds the funded capacity to deliver these services. So the work group's priority really was looking at the needs of the most highly impacted students first and then sort of tiering out to eventually be able to serve all the children in the county. Currently, preschool providers include a variety of settings in Montgomery County. There's community-based child care, there's family child care, there's MCPS prekindergarten, Head Start, and the preschool-- the PEP Program, which is preschool special education. There are faith-based programs, there are nursery and private programs, there are Montessori, and there's also informal care and familial care. So it's a variety of settings that are currently serving 4-year-old children from a variety of backgrounds.

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KATE GARVEY:

As Councilmember Ervin shared, really the long-term vision of the work group was that we need to arrive at a point where we're able to provide access to voluntary high-quality preschool services in a variety of settings that meet the diverse needs of all 4-year-olds across our whole county. That's our long-term vision, and as Janine shared, it will take--it will be--you know, we need to start out with those of highest need and then move out. The group also really wanted to focus on the fact that this approach is one part of our early childhood spectrum, that this aspect serves the 4-year-olds, but we also have the remainder of the children between zero and five who need--we need to continue to focus on. And we see that this is important as we looked very recently at the results for school readiness--kindergarten readiness--that came out from MSDE recently. Currently, 73% of our children are showing full readiness for kindergarten, and we see that we've had increases from '05, where 59% of our kids were ready. So the investment that we're making in child-care centers, in early childhood development across the board, have--these things are paying off. We continue to see, however, though, English language learners lag behind, and those children with low incomes lag behind those who are not. For English language learners, 60% are fully ready, as opposed to 79% who are not English language learners. For those with a low income, 61% are ready, as opposed to 80% of those who are not low income. So again, whatever we devise, we need to make sure that we're reaching those of highest need. We're now going to go through some of the key recommendations that the work group came up with, the first being--as related to what I've just talked about--strengthen the early childhood services to foster school readiness for children from zero to 5. Also increase the ability of providers across all levels to deliver quality services through a variety of support, including training, technical assistance, scholarships, and English language development. We have a long history of working with our child care providers. They've shown their commitment to increase their quality, and this needs to continue. If we're going to be successful in providing the pre-k services in the community, these things must be strong. We also need to ensure that parents participating in child-care subsidy program pay no more than 10% of their income in copayments. This is something that is a commitment that the state tries to abide by, and with our program, as we know, as we've talked about this, many families, because of the true cost of care, end up paying beyond 10%, and this is a barrier. We will need to talk about this related to policy decisions and the impact long term to the entire program. We also call to maintain the full funding of existing childhood services, from birth to age five, and sustain the requirements under Bridge to Excellence to serve all low-income eligible children.

JANINE BACQUIE:

The recommendations continued that we explore providing transportation as a component of the program because many families cannot access preschool services if transportation is not available, to give preference for expanded professional development funding for



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providers who are serving the highest-needs areas, center-based staff who are closest to becoming certified, and family child care providers who are closest to national accreditation--and really, that's closest to being able to meet the requirements under Preschool for All by MSDE-- and ensure higher-education institutions and MSDE work together to develop a system that meets the needs of the county's early childhood workforce. And there is currently a higher-education childcare work group that is looking at some of these issues, so as a result of this report, there will be further recommendations made to that group.

KATE GARVEY:

Now to talk about the cost. As you see in the report, what we've talked about is a cost of \$17.7 million to serve the 10,312 remaining children, 4-year-olds, in the county. And this is made up of --half of the children will be going half day, half would be going full day. The state cost would be more than \$41 million. And what it's--if we can kind of look at it as per 1,000 children, if we were to take a look at it in that way, the cost for 1,000 children would be \$8 million for full day. The county's share of that would be \$2.4 million. If we're talking about part day, our share would be \$997,000 to serve 1,000 kids. So we need, I think--you know, talk about in increments. This is a--makes it a little bit less painful to talk about. As we know, this is daunting, but the trigger here is the state funding. We do not know at this time what the state is going to provide, and so until that time, until we see what the state will invest, the county is left to wait and see what will be determined. There currently is legislation that we do anticipate that will be passed in--and this calls for the state to finalize their business report by December, and so we would get our costs probably by that time. And any decisions by the state, this legislation also calls MSDE to confer with the jurisdictions, with superintendents, with governing bodies to make sure that what they're recommending is in tune with what we're trying to do here. So, again, this focus, too, that the committee came to is that we would like to begin with those children who meet 300% of the poverty level. At this time, there's not a count for those because there's no agency counting just 4-year-olds at 300%, so we need to work on, how do we get to that point to be able to estimate? The school system does look at those children who are 185% poverty level--their families are hitting that, so that's a barrier that we need to get through. But currently in Montgomery County, those-- those who meet this, just 300%, we have 14% of our population have an income of 30,000-49,000 and 15% between 50,000 and 69,000, so for 300% of poverty guidelines right now, it's-- for a family of two, \$43,000, and a family of three, \$54,000. So we can--we need to get into the ballpark of what the numbers are. In addition to the straight cost that we're suggesting here, the committee thought it was very important to talk about those things that were not accounted for in this determination, and so these are listed here. We have not ascertained a cost for what an outcomes and assessment system would cost, as well as the training for the providers to use this. The transportation costs have not been determined, and the method that transportation might be provided. In addition, the increased professional development opportunities that would be required to spread across our early childhood community, and



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some of the strategies would include scholarship, accreditation assistance, and other training. In addition, the cost for--to provide wraparound care. If that's the strategy that we take for those children who do not qualify for child care subsidies, how we would approach that? The cost also for the reduction of the parent copayment down to 10% and also the increase that is absolutely necessary in the infrastructure to support this implementation. And this is necessary here on the local level, but even more so on the state side, and that has not occurred yet. They need to build their ability to get programs accredited to provide more support.

JANINE BACQUIE:

I just want to add to that that once we are able to see the state's final business plan that they will complete by December, we'll be able to get a better sense of how much they will invest from their end, and then we can get a sense of how much we need to invest from our end. So there are still some pieces here that are up in the air, and also, just the regional cost in different counties may be different for child care, so the cost to live and have a child in child care in Montgomery County may be far greater than it is in other jurisdictions.

KATE GARVEY:

And I should point out that the committee did--is going to make the request that there be some sort of regional differential related to the cost. The way that MSDE came up with their cost as an average, and we know in Montgomery County, typically we are hurt when an average is used because our costs are always higher. So this another area. We've made a request that this be something focused on by MSDE.

JANINE BACQUIE:

The immediate next steps and recommendations that this work group is making to the Council be that they-- that you create a local review panel to provide countywide coordination of preschool services. And the state will be providing this funding through a grant application process, so there would be a local review panel that would review the applications, look at the quality standards, and then make a recommendation back to MSDE about which programs might be funded, keeping in mind our target areas and all the requirements for meeting the greatest number of children from a variety of backgrounds. Also to develop a pilot model for delivering Preschool for All services to family child care providers that aligns with the MSDE requirements. And throughout the work group, we continued to hear about the needs of family child care-- the need to create more networks for family child care, provide more resources, more technical assistance. And so although the state has not fully developed their child care hub and that complete model, we know that this is an area that we're going to have to work on locally to support family child care because some parents do want that option to have their children in family child care, and that community needs a lot of support. Conduct a community needs assessment prior to expansion in specific communities. And we've looked at a lot of

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leading indicators. We've looked at poverty, basically, as the leading indicator, but we also looked at the community needs assessment needing to look at what types of programs are offered in different communities and what the parents have said their preferences are for these different types of programs. Also to implement the Preschool for All services for children whose family income is 300% or below the federal poverty guidelines and in the communities with the greatest need. So we've talked about a tiered implementation plan that goes from the highest need and then eventually works its way out, also considering factors of where the programs are located, the needs of the children, and the incomes. Also, we'll need to develop a way to monitor the progress and success of program participants using a student assessment tool and assess other programmatic aspects that reflect on high quality care and education. And I think the research has been really clear. Just having a preschool experience doesn't make a child better off, but having a high-quality preschool experience is what really makes the difference for each of the children. So it's also a way to ensure that the state and the Council's investment is really protected well and that wherever a parent decides to place their child, you are sure that it's a high-quality program, whether it's in family child care, center-based, or in the school system. And that piece is really important, if all of the children are going to be able to benefit. Develop a rigorous communication and outreach plan to educate the community about the importance and effectiveness of preschool programs and enlist the participation and support of businesses and other organizations. Fully utilize funding made available by the state Preschool for All services to make local resources available to the extent necessary to access federal, state, or other funding to ensure Preschool for All services with adequate infrastructure and support. And so we--we've developed this implementation plan and a set of guidelines for where we're going, but we know that there is some infrastructure that needs to be built upon in order to continue to get the program up and off the ground for all the children. Thank you.

KATE GARVEY:

I did just want to add my thanks to the members of --and Janine and I both felt that the members of the group were just stalwart, and they kept coming through, even though it was tough and many, many hours of work. And again, also echoing the support that we received from Vivian and Shondell and Ben was--we would not have been able to do the report without it. So it was really a wonderful experience, but I'm not sure anyone will do it again. I don't know.

COUNCIL PRESIDENT ANDREWS:

All right. Once in a lifetime. OK. Well, thank you very much for that thoughtful and well-organized presentation. I'm going to turn first to Councilmember Ervin, and then Councilmember Floreen and Councilmember Knapp.

COUNCILMEMBER ERVIN:

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Thank you very much. I was very excited to hear everything that was in the report. I wanted to just tell a quick little story about what happened yesterday while we were at the Montgomery College Early Learning Center. We went into a blended 4-year-old / 5-year-old class, and I was joined by Clara Floyd, president of MSTA, during story time, and we were reading "Where the Wild Things Are." And so at the end of the story, Clara said to all the little ones, "How many of you have parents--your parents read to you every night, right?" And they said, yes, yes. And she said, "Well, raise your hands for all the kids whose parents read to them." You would think 100% of the children's hands would go up, and about maybe three-quarters of the class raised their hands that "my parents read to me," and she said, "Well, what about the rest --the rest of you?" And one little boy looked up, and he said, "I don't need my mommy to read to me because I read it myself." And the teacher said the majority of the 4-year-olds, before they move on to kindergarten, are already reading. And this was a group of children that would be part of what we would consider the kids that we need to really pay the closest attention to because that's where the gap begins. And so, I know that Marc taught school, and we've had these conversations a lot about by the time our kids get to senior year in high school, there's a remediation problem because a lot of our kids have reading difficulties all through school. And I just wanted to recount the story because it was fascinating that these little children, at 4, are already reading themselves. And that's what I believe a really high-quality pre-k experience does. It begins to close the achievement gap right then and there. And so, again, someone said yesterday that, "Leave it to Montgomery County to be the first at the implementation of a plan, and the rest of the state is going to have to catch up to us." And I think what we are experiencing here is, again, we are going to have to lead in our county and have the rest of the state follow us, and so I really want to take another opportunity to say thank you so much for all of the many hours of work that went into this report. And I want to talk now about barriers and the issue of equity. This concept of high quality is really important to me across the spectrum, whether the high quality be in a family provider situation or wherever it is, because once we let go of the high quality, then there's an issue of equity and who--which kids are going to get the high quality and which kids are not going to get high quality, at the end of the day, determines success for kids in school. So I wanted to really commend you on how you've been grappling with that as an issue, because I actually attended one of the work group sessions where that was a key component. And the barrier on the subsidy piece, I wanted to ask a question. You talked about that a little bit. If the--if the state is going to match, what's the percentage of the state's match?

JANINE BACQUIE:

70% from the state, and they're saying an additional 30% from the local government.

COUNCILMEMBER ERVIN:

From the counties. OK. So, what would-- so if the state made an estimate for the cost of providing preschool services to those children at or below 300% of poverty, would it be

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possible to create a similar estimate for the county? Did you--is that what you meant when you talked about that particular slide, that we would have our own way to estimate cost--up to 300% of poverty?

KATE GARVEY:

The challenge is, we don't know at this time how many 4-year-olds we have whose families are at 300%, and so we need to ascertain that. We've got 10,000 remaining 4-year-olds, and we'd have to, I guess, determine a percentage of those that we could assume may be at 300%. And then we would use the same cost--that same cost breakdown that we talked about.

COUNCILMEMBER ERVIN:

OK. All right. Thanks.

COUNCIL PRESIDENT ANDREWS:

Thank you for your leadership on this, Councilmember Ervin. Councilmember Floreen.

COUNCILMEMBER FLOREEN:

Thanks, and I do also want to compliment Councilmember Ervin for her advocacy here. This is a huge issue, and I thank all of you for your hard work. It's really quite daunting, the challenge that is before us, and I had a couple of questions. One was-- perhaps it's in the report. Did you talk about facilities necessary to support this and changes in terms of construction planning? I mean, when we did-- went to all-day kindergarten in this county, we thereby raised the ante in a huge way in terms of the amount of MCPS space that was necessary to support all-day kindergarten. That was some years ago, and we're still, you know--that's what's created portables. How--did you look into that issue with this report?

JANINE BACQUIE:

Well, what we did was recommend that that would be part of the community needs assessment.

COUNCILMEMBER FLOREEN:

That's next.

JANINE BACQUIE:

That's next. So if we've targeted sort of a tiered system in different communities, then the next step would be to begin by looking at what facilities are available within particular communities and if it's going to be able to meet the capacity for space that's needed, considering the numbers of children that we need to serve in that community. So that's part of the next steps.

KATE GARVEY:



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And it would also be a combination potentially of school system buildings or private child care providers or family child care homes. So it's the combination that we'd be looking at.

COUNCILMEMBER FLOREEN:

Right. I mean, the demand is breathtaking, and I think we need to get on it in terms of establishing public policies that favor and encourage the availability of this kind of space-- not just for 4-year-olds, but for everyone. I honestly don't know how families manage these days, with small children and working. I honestly don't--I mean, it was hard years ago when my kids were little, and I... I don't know what they do and how they can possibly afford this and what kinds of centers are available. That wasn't really part of the scope of your inquiry, but you seem to have a lot of data about it.

JANINE BACQUIE:

We do, and we know that there are many different types of programs-- nursery schools, Montessori faith-based--so all of that will be a part of the community needs assessment.

COUNCILMEMBER FLOREEN:

So that's part of the next step.

JANINE BACQUIE:

Right.

COUNCILMEMBER FLOREEN:

I cannot say how--emphasize at least how important I think that is. Your data in here says you think there are 13,000 4-year-olds in the county.

JANINE BACQUIE:

Right.

COUNCILMEMBER FLOREEN:

And the demographic--I'm hung--I'm in the weeds here on the demographics you've got at the end of your report. But it sounds--it looks to me, if I did the math in my head right-- at least a while back, with the last census--you're looking at about 60,000 children below the age of 5. Is that right-- within the county?

JANINE BACQUIE:

I think it's about 66,000. The estimates for children age 5 and under in Montgomery County.

COUNCILMEMBER FLOREEN:

And how are they--do we have--is it part of the needs assessment process that you're identifying here that we would look at how they are being cared for now? 66,000 and you,

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at least in the amount of regulated child care that you identify here, seems to be... I don't know. The numbers here--you're talking about a couple thousand children.

JANINE BACQUIE:
We are.

KATE GARVEY:
And I think, if I could direct you to page F5, you'll see more information about--and this is, again, this does not include all aspects of the early childhood spectrum, but you will see the number of child care providers and their capacity.

COUNCILMEMBER FLOREEN:
Is that the 27,000 number--licensed group programs? Or do you add those all together, all those in that category? I mean, I would be interested in hearing how the current math is, how many... What is the capacity for children as of this point in time?

JANINE BACQUIE:
OK.

COUNCILMEMBER FLOREEN:
For children below the age of 5, I guess. I guess that's the cutoff for you in your thinking. And it looks to me like a huge gap, but I couldn't tell exactly from these statistics. Because I really think this is another crisis brewing in terms of support for working families, and we need to revisit--put it on our list to revisit a host of problems to support those families. and we're doing the zoning ordinance rewrite right this minute. Are there facility planning issues that we should get under way? Anything we do-- there's no money, so this is a time to think ahead and plan for the future, but if we don't start planning on this stuff, as we produce facilities in the next six years or 10 years or whatever, we will not have built in any additional capacity. So if you would--if you could provide me, at least, with some little bit of that information, it would be helpful for us to introduce that into our conversation as to how this county moves forward to support those families. Because it looks to me, even now, there's a gigando gap. These 20,000 children--I don't know where they are. I guess they're home with moms, and that's a good thing--or dads. But in the long term, is that realistic, and is that the kind of planning we need? So if you could give at least me some sense of what the numbers appear to be suggesting at this point, that would help me and us to form our future thinking about where we should go and to start talking about what tools we have to help us get there. Thanks very much. Great report.

JANINE BACQUIE:
Thanks.

COUNCIL PRESIDENT ANDREWS:



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Thank you, Councilmember Floreen. We have a couple more Councilmembers-- Councilmember Knapp and then Councilmember Elrich, and then we have to wrap up in about seven or eight minutes.

COUNCILMEMBER KNAPP:

Thank you, Mr. President. I would like to commend all of you for your efforts. I mean, you've been tireless in this. This is just kind of what has been your latest focus, and so thank you very much for that, and thank Councilmember Ervin for making sure that we took this step in the right direction. And I will apologize. I've not yet read all of the report. Do we have in here a solid definition for high quality? Because you said it's not just a matter of getting kids into day care, it's actually having high-quality day care. So it seems that if we're going to do that, we need to very quickly--something that rolls off the tongue that says, "And this is what high-quality day care is." Boom. And everybody knows.

VIVIAN YAO:

If you look at page 5 of your report, it has the requirements that MSDE has imposed for Preschool for All, and it really--it sets out the standards for high quality there.

COUNCILMEMBER KNAPP:

So that is that--OK. I mean, because to me, that's--we got to get everybody on the same page to talk about it, because it's very easy to have people kind of lapse into different things. And so if we can define that, then we all know what we're shooting for. So that'd be my first observation.

JANINE BACQUIE:

Those are the state guidelines, and then we talked about the next steps being looking at some local program standards in addition to that, as a way of monitoring these high-quality program standards. So that's one of the next steps, as well.

COUNCILMEMBER KNAPP:

OK.

KATE GARVEY:

And I do need to add that some of the conversation also was, you know --one of the requirements is an accredited--you know, that teachers would have credentials that at this point, the higher-ed community does not necessarily have the capacity to help all of them get to that point--so that we're not having classes that are focused on the zero to 5 necessarily and also not offering classes in the evenings and weekends. And so there's a gap where what we've talked about is, these are the expectations. The systems have not yet aligned themselves to allow people to move forward in this way, and so there is discussion about waivers so that as the system is trying to get geared up, teachers who do not meet these qualifications at this time will be given a waiver as long as they're



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showing the progress toward this, as we all get together to make sure that these things are available to the teachers.

COUNCILMEMBER KNAPP:

OK. I guess my observation--who did I have this conversation with? It's a few years ago, and it kind of led me down the road to where I got to with Mr. Leventhal as it related to Housing First. This, to me, is kind of the biggest no-brainer out there, and the question I'd ask somebody is, what's the measure that we look to to see how we're actually doing for providing for our people? You know, we have lots of programs through Health and Human Services. We have lot of programs from the federal government, from the state government. And the answer I got back was, "Healthy kids,"-- that if we have healthy kids, that means they're actually getting enough to eat, they're living in an environment that is a suitable environment, they're getting educated--I mean, all of these things are coming together. And so it seems to me that of all of the things that we do, this is probably the one that we really ought to doing. And so, I was intrigued by the \$17 million number--although given the list after that, it's obviously bigger than \$17 million--but even with that, in Montgomery County, that's not a huge sum of money. It's a huge sum of money when you say, OK, we have to put that on top of everything else we do, but it seems to me that we ought to be doing what we're doing differently, and this becomes kind of the fundamental underpinning. And so if we were to say tomorrow, "We want to start to phase this in," how soon could we be in a position to actually do that? I mean, we couldn't just say, here's \$17 million because of all the other things, but could we do a 4-year phase-in? Could we do a three-year phase-in? How--you know, what is the capacity in the system, and how could we actually determine the numbers associated with all those other things? How quickly could we be in position to say we wanted to do it, and what would be the appropriate type of phase-in to be able to get us there so that within some period we knew we'd actually reached all those kids you said we need to?

JANINE BACQUIE:

You want to take it? Go ahead.

KATE GARVEY:

I mean, one of the fundamental barriers is the state's ability to fund this because they carry 70%.

COUNCILMEMBER KNAPP:

OK. Ignore them.

KATE GARVEY:

OK. Well, then, the number--excuse me--the number will be much higher if we're not--if we're not depending on their dollars, and so--OK, so if we're taking the money out of the



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picture, in terms of the system, to truly serve all 10,000 children, I think it would truly take us at least four years to get to that point. Now, that's--

JANINE BACQUIE:

Three to five years, I think. Including the quality. Including the quality.

KATE GARVEY:

Because in looking at all the settings where children might be, to be able to get all the programs able to serve the children, if we do need to make facility arrangements related to MCPS, I think to reach the 10,000, I think a three-to-five-year number is appropriate.

COUNCILMEMBER KNAPP:

OK. When we talked about Housing First, one of the things that we learned was that there are--effectively you have to do things differently. So there are a number of programs that have been treating kind of the symptoms of homelessness, as opposed to addressing the root cause of getting--and just getting people into homes. Are there programs that we currently kind of do now that are more the band-aid approach, that if we actually addressed this from a more holistic perspective, that you could take the dollars that are going to those programs and roll them into doing this?

JANINE BACQUIE:

Some of those programs are related to the infrastructure piece.

COUNCILMEMBER KNAPP:

OK.

JANINE BACQUIE:

They are kind of working at capacity or beyond capacity, but if they had more dollars, they could end up producing more training, more providers, which could feed into this program. So I'm not sure about the elimination of some of those programs, but maybe some of them need to be built further so that they can produce more. I'd say that. Also, the-- right now, we could say three to four years or three to five years, but once the community assessment is done and we get more information about all of the different community programs that exist, that timeline could --could perhaps be shortened because we have lots of other programs out there, and we have to be able to determine where they are in being able to meet the standard. There may be more that meet the standard than we're aware of, so that could shorten the timeline. I don't know if that answers your question.

KATE GARVEY:

And I really don't see it as an either/or. In the area of early childhood, the things that we're investing in are building the system, are increasing the quality, are getting us better outcomes for the children now. So I wouldn't see it as, can we take that-- that's



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fundamental. We have to continue to do that, and that's the foundation for what we will do next for the 4-year-olds, in my estimation. So it isn't--it isn't that these things are unnecessary. They build our ability to serve the young children better--that we're assisting the providers.

COUNCILMEMBER KNAPP:

OK. and I guess the last piece would be is to--I would love--I mean, I would like to get to the, "Here's where we start." I mean, to get the game plan, let's put the pieces in place, because this to me is pretty fundamental to everything else that we would --that we have to be doing, and it's going to be really easy for us to always say that something else is more important, but, you know, be it the afterschool programs or at-risk youth or middle schoolers or high schoolers, we tend to, unfortunately, look at those policy decisions the same way as we look at every other policy decision, and it takes us--if we're moving in light-year speed around here--I mean, and that's just not Montgomery County. It's any kind of government entity. It takes three, four, five, six, seven years to make real changes. Well, when you're talking about kids, you've missed the whole window of opportunity for thousands and tens of thousands of kids. So if we know that this is the thing that we need to do --and, I mean, study after study shows that this is the thing that what we need to do-- I don't think we get a choice of whether or not to wait, and so to the extent that we can take these pieces, outline a plan, and start taking off bites as soon as we can, I think we have to. Otherwise, we've only undermined everything else that we want to do, from our local economy, from our school system, for jobs--you name it. Everything else falls apart if we don't have a solid foundation. And so if we know this is what we have to do, how dumb are we if we don't do it? And so, give us the stuff and tell us the timeframe, and let's start figuring out what we can do to get it done as soon as possible.

JANINE BACQUIE:

I think we can also examine all of the different--take a--go back and maybe take a look at some of the other services and see where there might be some efficiencies.

COUNCIL PRESIDENT ANDREWS:

Thank you, Councilmember Knapp. And, Councilmember Elrich, you'll get the last word this morning.

COUNCILMEMBER ELRICH:

I really appreciate the work that was done to put this report together. This isn't new, though, and it's not an emerging crisis. This has been there. The one thing that I've seen the greatest change is the awareness of how important early childhood education is and where the development of a child's brain is--that, you know, there was sort of this early assumption about little plastic children, that it didn't matter much what you did with them when they were little because they would go to school and they would learn. And, you know, over the years, you know, science has learned a lot about the development of the

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human brain, and it turns out that these years are actually probably the most critical years rather than the least important years, And that's a real change. Dealing with this--I agree with Mike's comments about trying to figure out how we move in this direction expeditiously. We're going to need a more thorough vetting of the costs, because, you know, your--that other sheet where you get beyond the 17 million and you say, "But it doesn't cost this," or, "This isn't included"--just looking at what's on that list of what's not included is probably greater than \$17 million. That's probably multiples of \$17 million. I know, for example, at the University of Maryland that you couldn't expand the number of people coming out of that-- the early childhood program unless the university system were to make a decision to increase the staffing allocation. That would be the same for anybody who's in any of the higher-education institutions. Unless they put more professors in there teaching these classes, they have a natural cap on how many students they can produce. And so there are a lot of different players who have to make a decision to come into line and do their part in order to have an outcome that's different than what we--than what we have right now. This is also, I think, an example--you know-- many political bodies talk about the value of investment in education to avoid social costs later on, and this clearly has enormous benefits for social costs later on, but it's hard to get the public to, I think--it has historically been hard to get the public to get their hands around this in terms of what the avoided costs would be in special education and remedial services down the road, but it's actually substantial. And it would be nice to be able to demonstrate that we would actually anticipate that over 10 or 12 years, that you'll be providing less special education and you'll need less resources in the upper grades and that eventually, the budget will come back into balance, but you're going to have to go through a period of time where you deal with the damage that's been done at the out years, but also go into a program that produces less damage for the out years, and I think that gets to--a little bit to Valerie's point about closing the gap. This isn't just about closing it. It's about preventing it. I mean, if you do proper early childhood, then the gap doesn't open up, and that I think is, you know, the greatest value of this. It's expensive to close. It is far cheaper to prevent the opening of the gap, and so I think we--we do need to take this report seriously and think about how we get there. The other thing I'd ask you, and it's not--I haven't seen--I won't--I confess to not having waded through everything in here yet, but I have concern about existing child care providers, on two grounds. One is that putting these--putting this cohort into one type of class may make it difficult for early childhood providers who are teaching the zero to threes. And you know, there was some discussion about, you know, the loss of this as a revenue stream, where you can have more students per class, and then the challenge that are left with child care providers who are dealing with the zero to twos, where the requirements for staffing are much higher, and so the cost is extraordinary for parents to try to put a zero- to two-year-old into pre-k. What are your staffing ratios, about one to seven or one to eight? Small. And so, you know, we don't want to have something that has unintended consequences on the provision for child care in the earlier years. And I think the other thing you're going to have to think about is, we're doing four-year-olds now, but realistically, this probably needs to go down further. I mean, we'll discover very

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soon, even after doing this, that this has made strides, moved us in the right direction, but we probably ought to be dealing with the kids at a younger age. And so I don't see this as sort of like the end of the trajectory. We're probably at the beginning of it. But I look forward to working with you in the future on this.

COUNCIL PRESIDENT ANDREWS:

OK. Thank you, Councilmember Elrich. We're going to have to leave it there for now. Thank you for a thorough, excellent presentation. Obviously, there is a lot of interest in what you are recommending, and we will come back to this, I know, fairly soon, with the leadership of Councilmember Ervin. And I want to remind my colleagues that we are back here at 1:00 for a work session on the MCPS Capital Improvements Program. So 1:00 we're back here. We'll see you then.

COUNCILMEMBER ERVIN:

Thank you.

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COUNCIL PRESIDENT ANDREWS:

Good afternoon, and welcome back to the County Council session. We're sorry for the delay. We had an event at the University of Maryland, Shady Grove, that was a very important event, the announcement of the opening of the Clean Energy Center for the state at the University of Maryland, Shady Grove, and we're all very excited about this development, and we're out there to join the governor for the announcement. So, big day for Montgomery County and that's why we are starting late. We're going to go right into the work session now for MCPS FY10 Capital Budget Amendments, the FY09 through '14 Capital Improvements Program, and I'll turn to the chair of the education committee, Councilmember Ervin.

COUNCILMEMBER ERVIN:

Thank you very much. The Education Committee had several recommendations regarding the MCPS FY10 Capital Budget and Amendments, to the FY09-14 Capital Improvements Program. The total FY09-14 cost for all of the requests is \$19.2 million, of which 3.5 million was approved in late January. The balance of \$15.6 million remains to be reviewed by the Council. The \$19.2 million total represents about 1.5% of the original approved FY09 through 14 CIP for MCPS. And so, I will just go ahead and go through the list of the Education Committee's recommendations. First, we recommended approval of some technical expenditure adjustments proposed by the Board of Education for several individual school projects. We recommended approval of several funding switches from recordation tax and school impact tax revenue to bonds to address projected revenue shortfalls. The committee recommended that the Technology Modernization Project be discussed during the review of our MCPS operating budget. The committee recommended deferred consideration of the Relocatable Classrooms Amendment, pending receipt of an expected supplemental appropriation request. Council staff recommends approval on this item. The committee recommended that staff work with MCPS and the Department of Environmental Protection to obtain more information regarding the board's requested County Water Compliance Project. The committee also requested that MCPS provide additional information on the 3 positions requested in the HVAC Project, including alternatives such as using contract funds to initiate the effort in FY10. The committee recommended approval of all Capacity Project Amendments requested by the Board of Education. And I think at this time, I will turn it over to staff to go into detail on any of the items that we've just covered, if Councilmembers have any questions.

COUNCIL PRESIDENT ANDREWS:

Do we have-- yes. Go ahead.

KEITH LEVCHENKO:

Well, we do have a number of MCPS officials and staff here today to answer questions. I don't know if you'd like them to come to the table now.



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COUNCIL PRESIDENT ANDREWS:

Sure. Why don't you join us at the table? And, since this is televised, and people are listening in, please introduce yourself so people can match up a name and a face and a voice. Welcome, everybody.

SHIRLEY BRANDMAN:

Good afternoon. I'm Shirley Brandman, President of the Board of Education.

PATRICIA O'NEILL:

I'm Pat O'Neill, Vice President of the Board of Education.

JAMES SONG:

James Song, Director of Division of Construction.

COUNCIL PRESIDENT ANDREWS:

OK. Thank you all. All right.

KEITH LEVCHENKO:

I think as Councilmember Ervin mentioned, the list of amendment projects is shown on page 5 of the packet, and there's 16 items. The first few items that she mentioned have already been approved previously by the Council. The technical adjustments she mentioned are adjustments that the schools made to approve projects that did not change the scope or the timing of the projects. They were just expenditure adjustments based on more recent information they have on those projects. And, to some degree, those help us in FY10, so the committee recommended approval of those. The capacity projects are shown at the bottom of the chart, rows 11 through 16, and staff did do a comprehensive look at enrollment and capacity for those schools. All the schools are located in either the Downcounty Consortium or the Northeast Consortium. Both of those areas are showing increased enrollment growth, both currently and projected, and so the amendments all involved existing addition projects and the intent by the school system to add a couple of classrooms or more at those in order to address the increased enrollment. However, in order to do that, the design of those schools does have to be delayed a bit, so, in fact, the amendments, while they increase the total project costs for those schools, they actually reduce the commitment for dollars in FY10, so that's an interesting twist. If the amendments were not to be approved, we'd have a higher commitment in FY10, which is a difficult year, as you know. So that's part of it. And I think overall, it is important to note that the enrollment increases that we have experienced were somewhat, well, certainly beyond what was expected last year. And there is an analysis in the packet which shows the enrollment projections last year and this year, and the increases, especially in the elementary school levels, are going to be significant over the next 6 years. And that also affects the Relocatable Classrooms Project, which has an amendment to add some dollars, and also we have the appropriation request you'll be dealing with at 1:30, in order



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to accelerate the appropriation to deal with the specific relocatables needed this summer. So, for that reason, staff is supportive of the Relocatable Classrooms Amendment as well. That item was deferred at the committee, but staff believes the Council should act on that today, if they're comfortable. Essie McGuire can talk about the countywide projects.

ESSIE McGUIRE:

Of the-- oops. Of the countywide projects, the committee did, as Ms. Ervin stated, agree to come back on a number of those issues. The Education and Transportation, Energy, Infrastructure and Environment Committees met jointly to discuss county water compliance issues and identified several areas of work that MCPS and DEP will work to bring additional cost information back to the committees individually during their operating budget discussions, and then those will come back to the full Council once those committees have had their individual reviews. With regard to HVAC, there was an outstanding question from the committee, and I understand that Mr. Lavorgna or the schools may have an answer to the question about the positions.

JOSEPH LAVORGNA:

Yes, the positions that we were looking for, we can hire as conditional employees, which means if the funding dries up, the positions go away as well, so they will not be full time, permanent employees.

ESSIE McGUIRE:

So, I think that if that addresses the committee's concerns, then that project would be approved. And the other countywide project that is up is Technology Modernization, and again, the Ed Committee will come back to that during its operating budget discussions.

KEITH LEVCHENKO:

Just one other note. All these-- obviously, all the actions that the Council may consider today are subject to reconciliation in May, and based on, you know, some of the fiscal issues that were discussed at the committee, such as the recordation tax and impact tax gaps, as well as the state aid issues with regard to school construction, where we are still looking at a potential gap from the 40 million assumed in the budget versus the 26 million that the IAC has recommended to allocate to MCPS to date, so we will have to deal with that gap as well if that continues.

COUNCIL PRESIDENT ANDREWS:

And we will deal with whatever we have to, but I don't see any questions to deal with right now, or comments on the report. So, without objection, then, this work session is done, and the report is accepted until we get to reconciliation, at least. So, thank you all, and we'll now move on to our public hearings. We have 3 public hearings, all of which are followed by action afterwards, so we will have votes as well. The first public hearing is on a special appropriations, the Montgomery County Public Schools FY09 Capital Budget of



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\$3,125,000 for relocatable classrooms. An action is scheduled immediately following the hearing. And we have no speakers for this hearing. So, the public hearing is closed. And we have-- go ahead, Councilmember Knapp.

COUNCILMEMBER KNAPP:

Isn't this early? Aren't we doing this earlier than we typically do this?

COUNCIL PRESIDENT ANDREWS:

No, this is about the time we did it last year.

COUNCILMEMBER KNAPP:

All right. I just wanted to check. Thank you.

COUNCIL PRESIDENT ANDREWS:

OK. And so, Miss Ervin, do we have a committee recommendation at this point?

COUNCILMEMBER ERVIN:

Recommend approval.

COUNCIL PRESIDENT ANDREWS:

Recommend approval. OK. All right.

KEITH LEVCHENKO:

Just to clarify. It did not go to committee?

COUNCIL PRESIDENT ANDREWS:

Yes.

KEITH LEVCHENKO:

It was introduced 2 weeks ago, and because of time constraints, we had to schedule it as a public hearing and action, partly because this is an appropriation request that we do each year to assist the school system in contracting for the relocatable classrooms this summer. This gives them some advance time during the balance of the FY09 fiscal year to get their contracts in place so that the relocatables can go in place as soon as school closes.

COUNCIL PRESIDENT ANDREWS:

OK. All right. So, the chair of the Education Committee is recommending-- is motioning approval, and is there a second? Second from Councilmember Knapp. And, all right, we'll now have a vote on this special-- you have a comment. OK. You have the comment first. That's a good idea, having it before the vote.



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COUNCILMEMBER KNAPP:

I appreciate that. Mr. Lavorgna, just a quick question, or Mr. Song. I had-- and I will have to search my memory. I actually had a meeting late last week with all of the PTA cluster coordinators that I represent, and it was brought to my attention by at least one, I think 2, that even though there's population-- student population projections are going to exceed where they are currently, they have been notified either through your office, or through the principal, that it's too late for any requests for additional portables. And I said, "We haven't done this yet." So it's odd to me that it would be too late in the process for there to be any more portables. And, so I am going to get you specifics, but I just wanted to see, I don't know, your timelines and how you actually make allocations, but it would seem to me that we're still in play. People are still seeing movement in their projections. Are we not?

JOSEPH LAVORGNA:

We are looking at the projections. The staffing has all been allocated based to where we are right now. We have made decisions as to where the relocatables will be placed this summer, based on the budget request you have before you. So, all the relocatables that we have, have been allocated. We may have one or 2 in reserve at this point in time. We will wait and see what the bids look like. The bids come in very favorably, we may be able to squeeze out a couple of more relocatable classrooms. But based on enrollment projections and staffing-- that's been allocated. We are at the 99th percentile in terms of relocatable assignments.

COUNCILMEMBER KNAPP:

OK. I will follow up with you offline from this, just to see, just to connect with the schools, because I want to make sure that we've at least get a good answer back to the community where the concerns have been raised. OK. Thank you.

COUNCIL PRESIDENT ANDREWS:

Thank you, Councilmember Knapp. Council Vice President Berliner.

COUNCIL VICE PRESIDENT BERLINER:

The issue that always came up in my conversations with people with respect to relocatables often related to indoor air quality sets of issues and the desire for these particular structures to be greened to the extent to which they can be. And, that when you move them, often the integrity of the structures are compromised in a way that lends themselves to mold and things that we don't want our kids or our teachers being exposed to. Bring me up to speed on where you are with respect to your commitment on those sets of issues.

JOSEPH LAVORGNA:

Sure. This year, we bid a relocatable classroom that has greater insulating values, ENERGY STAR heat pumps. It is a different type of unit that can be located closer to the



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ground with steel frame and cementitious flooring, so we're not dealing with wood floor close to the ground. So, we have created a much greener, if you will, relocatable classroom that we will be using with this year's bid. So, our commitment to go greener is-- we are absolutely following through on that. Units that are in-- we've inspected all the units. Units that have a poor rating are being returned to the vendor. Or lease-- leases are up. We're sending them back. There's a range of units that we are-- part of this money will go to rehabilitation, renovation, maintenance work on those relocatables. That's all being done this summer. So, we are going to have relocatables in very good condition as we open the schools next year.

COUNCIL VICE PRESIDENT BERLINER:

I appreciate that assurance. Thank you. COUNCIL PRESIDENT ANDREWS:

Thank you, Council Vice President Berliner. I don't see any other questions at this point, or comments, so we're ready to vote on the special appropriation. All those in favor, please raise your hand. And that's Councilmember Elrich, Councilmember Trachtenberg, Councilmember Floreen, myself, Council Vice President Berliner, Councilmember Knapp, Councilmember Ervin, Councilmember Leventhal. That is 8-0. And the special appropriation is approved. And we'll now move on to our next public hearing and action. This is a public hearing on a supplemental appropriation to the county government's FY09 operating budget, non-departmental account, \$10 million for future federal, state, other grants. Action is scheduled immediately following this hearing. There are no speakers for this hearing. The source of this appropriation will be grant revenue. So, that's no non-grant funding for this that's part of it. Are there any comments on this item? I don't see it. All right. OK. Well, we need a motion then. OK. Move by Councilmember Trachtenberg.

COUNCIL VICE PRESIDENT BERLINER:

Second.

COUNCIL PRESIDENT ANDREWS:

Seconded by Council Vice President Berliner. And this requires 5 votes. So, all those in favor, please raise your hand. That's Councilmember Elrich, Councilmember Trachtenberg, Councilmember Floreen, myself, Council Vice President Berliner, Councilmember Knapp, and Councilmember Leventhal. And it is approved, 7-0. Our final public hearing of the afternoon-- we have one this evening-- will be on a supplemental appropriation to Montgomery College's FY09 Capital Budget and Amendment to the FY09 through 14 Capital Improvements Program of \$3,217,000 for the Germantown Science and Technology Park Infrastructure Project. Action is scheduled immediately following this hearing. We have 2 speakers who have signed up for the hearing. And they are Margaret Schoap, speaking as an individual, and Dolores Milmoie, representing the Audubon Natural Society. And I would ask them to join us at the front at this point, and ask them to remember to push the button in front, to introduce themselves. You'll have 3 minutes each, and you'll see a yellow light go on about 30 seconds from the end of the 3 minutes,



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and then a red light at 3 minutes. And if you're speaking at the red light, please conclude your sentence. If you have any written testimony, please provide it to the clerk, and she will distribute it to the Council. And then, stay at the table, please, until the other speaker is done, because there may be questions or comments for either or both of you. And we're going to start with Margaret Schoap, who will speak as an individual, and has 3 minutes. So, good afternoon. It should be right-- you'll see the-- where? I can't see you. There. You're on.

MARGARET SCHOAP:

Thank you, sir, and good afternoon to the Council. I'm actually going to speak on behalf of Dayspring Church, if that's OK. I can still try to stay within my 3 minutes, if I need to do that.

COUNCIL PRESIDENT ANDREWS:

That's fine.

MARGARET SCHOAP:

Dayspring Church opposes a removal of any part of this 50-acre forest from the campus in Germantown. I've been on the Germantown master plan for the last 2 years, and I don't know if you have seen the forwards yet, but here's what the land use description is for the college. "Protect the site's natural features, a large stand of forest, 2 tributaries to Gunners Branch. Preserve the 50 acres along I-70, I-270, and other high-priority forest within the site. Structured parking to reduce impervious surface area. Improve water quality." Montgomery County has been given a gift of 50 acres of mature forest, and this acreage should be used to educate the people about the natural world. Mike Knapp, in particular, I know, you support this road going through, and possibly there's others on the county Council that do, too. We believe that if the county does not use the forest for greater educational tools, that they are really missing their mission in education, their broader mission in education. And if the county allows the 50 acres to be removed, or any part of it, what you're really doing is saying "yes" to our current transportation system that we have for individual automobiles. As you all know, the U.S. Congress recently passed the largest wilderness act in 15 years. They have set aside 2 million acres in 9 states. Now, this little 50 acres is not in this great wild wilderness act, but you, as county Councilmembers, can take what we have and preserve areas like this, and be supportive of what our Congress is doing. An attempt to better-- make better living environment for this county is to mitigate global warming, which you have all pledged to do. And you can do it in the cheapest way, by not taking down any forest, so that the carbon can be tied in the trees, not in the atmosphere. And so the church opposes Montgomery College removing any part of this 50 acres. Thank you so much.

COUNCIL PRESIDENT ANDREWS:

Thank you for your testimony. Miss Milmo.



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DOLORES MILMOE:

Good afternoon. My name's Dolores Milmoe, and I'm here on behalf of the Audubon Naturalist Society, and submitting testimony to you also signed by the West Montgomery Civic Association, Montgomery Countryside Alliance, the Maryland Native Plant Society, and Anne Ambler, who is here in the audience. Look, we endorse supporting Montgomery College in principle, but we're very worried about is that granting this appropriation is going to have a significant impact on the 50-acre forest that graces their campus at the moment. Presentations made to the Planning Board in October, July and October of '08, indicate that the college designs for the roadway network, especially, would lay waste to at least-- and I've talked to staff. There are numbers ranging from 20 acres to two-thirds of that 50 acres. Specifically, they want to cut roads right down the middle of this mature forest, which is, you know, antithetical to what the county is trying to do with forest cover that it has. You know, the proposal that a hospital might be part of the tech park means that public access requirements may even increase the footprint of these roadways and infrastructure, as would the Bioscience Education Building design, which currently requires connecting roads that intrude into the high-priority forest area. We think that these proposed plans conflict with the current county forest conservation law, the county's climate protection plan, the Planning Board draft for the Germantown sector plan, and this appropriation action taken today should specify that road alignments and building placement must not result in reduction of this significant up-county forest. Germantown only has currently 14% forest cover. The science says that you need 47-- 45% of forest cover to protect the watersheds. So, currently, the 2 Germantown watersheds of Great Seneca and Little Seneca are really in dire need of any forest canopy that exists. Certainly, the college and its science and biotech community must recognize the science-based principles, that forests are of upmost importance in addressing climate change, air pollution, groundwater recharge, and watershed protection. Also, I was part of the Forest Preservation Strategy Taskforce back in 2000, and in 2000 it was found that we had lost 54,000 acres of forest cover in the county, down from 1973, when we had 143,000 acres. And, of course, in the last 8 or 9 years, the areas of residential and commercial development, as well as the ICC construction, have eliminated, or significantly fragmented, forest cover. Now, more than ever, we need to ramp up efforts to preserve what remains. It's no longer possible to say, "Oh, this particular forest clearing won't really matter in the broad scheme of things." This is the thinking that got us into our current problem of deteriorating water quality locally and climate change globally. Site location and site design with preservation of forest resources must be considered first. And I just--

COUNCIL PRESIDENT ANDREWS:

Miss Milmoe, I have to ask you to finish up.



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DOLORES MILMOE:

Yeah. I just want to say I handed you a map, which comes from Glenn Orlin through the Planning Board, which shows this network just decimating this mature forest. And so we hope you'll pay attention to this critical matter in your vote. Thank you.

COUNCIL PRESIDENT ANDREWS:

Thank you for your testimony. And that-- are there any questions of our speakers? Uh, no. All right. That concludes the public hearing, and we're ready for action. Councilmember Knapp and then Council Vice President Berliner.

COUNCILMEMBER KNAPP:

Thank you, Mr. President. I appreciate the concerns that have been raised. What we have before us is actually the appropriation of funds that we've received from the federal and-- and actually it's all fed-- federal and state government. Irrespective of where we put the road, there is going to be infrastructure. It's going to need to be supported, and we worked actually very hard as a county to get these funds allocated, or appropriated, from both the federal and state governments. And so, we just need to have access to these resources. As it relates to the road issue specifically, Glenn Orlin, our deputy staff director, hosted a charrette yesterday with Park and Planning, and with the college, to begin to explore a variety of alignments. The college had an alignment which you heard portrayed as, at least in one plan, cutting through the forest. Park and Planning had another alignment. As I understand from yesterday's discussion, there were 3 or 4 additional alignments that were raised. We will have, as a course of our CIP discussion in the coming weeks, further discussion about the road alignment, because it was actually identified as a CIP project, the extension of Observation Drive. So we're going to be looking at that, and what makes the most sense. In addition, in the coming months, we'll also be looking at the Germantown master plan. And so in those next 2 activities, really, is when we're going to have the discussion about the road. This is just to make sure that we can have access to the funds irrespective of what we do on this parcel that'll be needed to make sure we have infrastructure there for storm water management, for all of the other things you need for infrastructure for a project for the college to move forward. And that's what this is. And so I appreciate the concerns that have been raised, and the Council will have at least 2 more bites to actually talk about the road itself and the 50 acres that is the forest. And I think that's probably the most appropriate place for us to have that conversation.

COUNCIL PRESIDENT ANDREWS:

OK. Thank you, Councilmember Knapp. Council Vice President Berliner.

COUNCIL VICE PRESIDENT BERLINER:

I appreciate the clarifications of my colleague. I do think that it's important that we make clear in this appropriation that it is without prejudice to retention of the forest. We are not making that judgment. But what I want clarification from my colleague with respect to, and



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we had a bit of a sidebar on this very point, is if we approve these appropriations, is this body assured that we will pass on whether or not these trees are taken down? That is, are you assuring us that the Council-- that no trees, if you will, will be taken down without this Council's acquiescence.

COUNCILMEMBER KNAPP:

As I understand the process, yes. That's-- that's where we stand, because we're going to approve both the funding for the road, and then we're also going to approve the actual master plan alignment of the road.

COUNCIL VICE PRESIDENT BERLINER:

Does staff have any clarifications that confirm the chairmanship's--

COUNCIL PRESIDENT ANDREWS:

I think we have a representative from the college here as well. John McLean?

COUNCIL VICE PRESIDENT BERLINER:

I don't mean to call into question your, uh--

COUNCILMEMBER KNAPP:

No, that-- that's the next step in the process, though, is for us to actually approve the CIP alignment for the roads.

JOHN McLEAN:

My name's John McLean. I'm the director of Planning and Design for Montgomery College. Your understanding, Mr. Berliner, is exactly correct. This is not a passing upon the road alignment itself, it's to encumber or to appropriate the funds from the federal and state grants, and then have a chance to come back and revisit the realignment question in the future.

COUNCIL VICE PRESIDENT BERLINER:

And in that process, when we revisit that question, this Council will decide that issue?

JOHN McLEAN:

The next step, there will be a joint meeting with the PHED and ed committee-- I think it's April 24-- to discuss the Bioscience Education Center, which has the road as part of it. So, that's the next step. And that's what Mr. Orlin's charrette was about, is to try to figure what the best alignment for that road is. VICE PRESIDENT BERLINER:

Thank you. I appreciate that clarification, because it makes it a lot easier to support this appropriation, which seems to be a good thing to do.



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COUNCIL PRESIDENT ANDREWS:

Thank you, Council Vice President Berliner. Councilmember Leventhal.

COUNCILMEMBER LEVENTHAL:

Well, I guess, perhaps like some others of my colleagues, I had heard generally about proposals for a new tech park and a hospital, and had not-- I apologize-- prior to this public hearing, focused on, with great clarity, on what was there now. And it is an interesting object lesson, as we've been talking over the last year about the forest conservation law, and, so, I would ask Montgomery College, who's represented here, is Montgomery College factoring into its planning? Well, first of all, I have-- my first question is just so I'm clear. What we're voting on now is simply to access federal and state grant monies to enable planning and design. Correct?

COUNCILMEMBER KNAPP:

Correct.

COUNCILMEMBER LEVENTHAL:

That's that. OK. So, just to clarify what this vote is about. It's already been clarified, but repetition is sometimes useful. Is Montgomery College factoring into its plans for this site reforestation costs and requirements under the county's forest conservation law?

JOHN McLEAN:

Yes, we are. I mean, we will follow whatever the requirements are. There's nothing in the current funding here that we've done. We haven't encumbered these funds yet. They have not been spent. We don't have contracts with a design team yet for the road alignment. All of that will follow this appropriation. This is for the business park activities, and so we would go through. And those will go through the planning process that Park and Planning has jurisdiction over.

COUNCILMEMBER LEVENTHAL:

Will this be a mandatory referral project?

JOHN McLEAN:

The business park is not. The college's Bioscience and Education Center is. That's a public project. It's solely for the college itself. And, in fact, the mandatory referral submission on that hopefully will be made within the next couple of weeks.

COUNCIL PRESIDENT ANDREWS:

Thank you, Councilmember Leventhal. Councilmember Elrich.



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COUNCILMEMBER ELRICH:

I just wanted to say I appreciate the clarification that you've brought to this. This is a-- I would not be able to vote for this if this was a vote to not only appropriate the money but to guarantee that the forest was going to be severely impacted. So I'm glad to hear there's going to be a process, and it seems to me there's plenty of opportunity on the college campus to build things without running them through the forest.

COUNCIL PRESIDENT ANDREWS:

OK. Thank you for the clarification. That is very helpful. And I don't see any other questions or comments, so the Council then is ready to vote on Item 14, which is Action of Supplemental Appropriation to Montgomery College's FY09 Capital Budget, amendment to the FY09 through 14 Capital Improvements Program, the \$3,217,000 for the Germantown Science and Technology Park Infrastructure Project. The source, federal aid and state aid. All those in favor of this supplemental appropriation, please raise your hand. That's Councilmember Elrich, Councilmember Trachtenberg, Councilmember Floreen, myself, Council Vice President Berliner, Councilmember Knapp, Councilmember Ervin, Councilmember Leventhal. That is unanimous. It is 8-0, and that is approved. Thank you very much. We're now going to move into district Council session, and we have several items on district Council session, before we take up the semi-annual report of the Montgomery County Planning Board, and then finish up the afternoon with a work session on the amendments to the CIP for police and the Judicial Center Annex, and then a public hearing this evening. So, we're going to start now in the district Council session with Item 15, which is Action on Resolution to Establish a Public Hearing on the Germantown Sector Plan for May 12, 2009 at 7:30 in the evening. Is there a motion? Councilmember Leventhal, as usual, is in favor of a public hearing and makes the motion for one. And second by Council Vice President Berliner. OK. No comments on this. I don't see any. So, all in favor of establishing a public hearing for the Germantown sector plan, May 12 at 7:30, please raise your hand. And that is unanimous among all 8 Councilmembers, 8-0.

COUNCILMEMBER KNAPP:

Glad we can agree on a public hearing.

COUNCIL PRESIDENT ANDREWS:

That's good. OK, our next item is Item 16, Action on the Following Corrective Map Amendments, G-871, the Rosemont Section of the Gaithersburg Vicinity Master Plan, G-872, the Sieling Property at 14668 Southlawn Lane in Rockville, and G-869, the Rural Village Center Overlay Zone at Darnestown Road and Seneca Road in Darnestown. I'll turn to the PHED Committee for their report on this. Councilmember Knapp.

COUNCILMEMBER KNAPP:

Thank you, Mr. President. The Planning Board submitted 3 corrective map amendments to us, which were previously identified by the Council president. Corrective Map



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Amendment, CMA, G-871, would change a boundary in the Rosemont Section of the Gaithersburg Vicinity Master Plan to show the correct delineation between Montgomery County and the City of Gaithersburg that had been in error, in what had previously been presented as the boundary. CMA, G-872 corrects a zoning boundary between the county and the City of Rockville in the Upper Rock Creek planning area, and recommends rezoning one property impacted by this change. And CMA, G-869 corrects mapping errors in the Potomac Subregion Master Plan. The Planning, Housing, Economic Development Committee recommended approval of all 3 CMAs. The CMAs are limited to the corrections identified in the attached letter from the Planning Board and the Planning Department, and may not be used as a vehicle for additional zoning changes. And just as a reminder, it's important, and I just want to put this out there, that the same ex parte rules as apply to a sectional map amendment and local map amendments also apply to corrective map amendments. Therefore, Councilmembers should not engage in any off-the-record conversations or communications, and no testimony will be submitted at the public hearing or via written correspondence, and so if there are any conversations, people would need to disclose those at this time. I would just see if anyone had further questions on either of the 3, and if not, the committee recommends 3-0 that these corrective map amendments should move forward.

COUNCIL PRESIDENT ANDREWS:

Thank you, Chairman Knapp. There are no comments or questions at this point, and I'm informed that we can approve all with one vote. And the committee has recommended approval, and so, I will ready for the vote on this. All in favor of the committee recommendation--

MARY ANNE PARADISE:

Excuse me. This needs to be a roll call vote.

COUNCIL PRESIDENT ANDREWS:

Yes. OK. You're right. OK, will the clerk please call the roll?

MARY ANNE PARADISE:

Mr. Elrich.

COUNCILMEMBER ELRICH:

Yes.

MARY ANNE PARADISE:

Ms. Trachtenberg?

COUNCILMEMBER TRACHTENBERG:

Yes.



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MARY ANNE PARADISE:
Miss Floreen?

COUNCILMEMBER FLOREEN:
Yes.

MARY ANNE PARADISE:
Mr. Leventhal?

COUNCILMEMBER LEVENTHAL:
Yes.

MARY ANNE PARADISE:
Miss Ervin?

COUNCILMEMBER ERVIN:
Yes.

MARY ANNE PARADISE:
Mr. Knapp?

COUNCILMEMBER KNAPP:
Yes.

MARY ANNE PARADISE:
Mr. Berliner.

COUNCIL VICE PRESIDENT BERLINER:
Yes.

MARY ANNE PARADISE:
Mr. Andrews.

COUNCIL PRESIDENT ANDREWS:
Yes. So, the action is approved, 8-0. And thank you very much. Our next item is action on amendment to the master plan for historic preservation. This is Item 17, Wild Acres in Bethesda, and we had a work session on this at the last session of the Council. I'll turn to the PHED Committee for any discussion the chairman of the PHED Committee wants to bring to the Council's attention.



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COUNCILMEMBER KNAPP:

Thank you, Mr. President. I think, as everyone is aware, we had a work session and took a straw vote last week. The elements of the straw vote are attached in the document before you. The first, it designates the manor house, the garage, and the caretaker's cottage as historic buildings. It adds the criteria for historic designation relevant to Wild Acres, and amends the area of the environmental setting. The attached resolution makes the specific changes to the amendment consistent with the Council's straw vote, and then, I believe, there were 2 outstanding issues that needed to be raised, which I will turn to staff to address.

JEFF ZYONTZ:

Thank you. One of the things I neglected to raise to the Council's attention was that there were 2 different parcels on this site, and that you were really dealing the historic designation on a parcel that was approximately 29 acres, and that it was not-- I'm sorry, 26 acres. 26.4 acres. And that it was not part of a 35 acre site. I just need to let the Council know that in case that changed anybody's opinion on the straw vote. The one parcel is also impacted by Legacy Open Spaces, you can see, in page 2 of the packet. The other issue that I had for the Council was, given that you were making the caretaker's building a historic resource, was there anything else you needed to say about that? In the Planning Board's past history, they had allowed-- specifically allowed for moving the caretaker's cottage. Yet, in talking with planning staff, they don't believe that the language that I've presented on page 3 is needed to allow the building to be moved upon HPC approval. So they don't think it's warranted at all, but I raise it to you.

COUNCIL PRESIDENT ANDREWS:

Thank you, Mr. Zyontz. Council Vice President Berliner.

COUNCIL VICE PRESIDENT BERLINER:

First, I want to thank my colleagues for their support of including what really is the good work of Councilmember Elrich on this matter. It was his compromise that was before the PHED Committee, and the compromise that our straw vote adopted, and I want to thank him, and I also want to thank my colleague, Councilmember Ervin, for her support with respect to that matter. We have had, since that vote, had conversations with the owners of the property, with the community, with Planning Board, with respect to a small matter, and that matter is that the caretaker's cottage was struck by a tree. And the roof needs to be repaired. And the owners have said, "Gee, can we just repair the roof without having to go back to the Historic Preservation Commission with respect to this matter?" And we spoke at some length to the Planning Board with respect to that, and the Planning Board was very comfortable with that. The community was very comfortable with that. The owners of the property were very comfortable with that. And so, I am offering an amendment that would achieve that purpose. It's very limited in scope and has been looked at by Council



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staff, by Planning Board staff, by them all. So I would ask-- I would move that-- make that amendment--

COUNCIL PRESIDENT ANDREWS:
Would you like to read the amendment?

COUNCIL VICE PRESIDENT BERLINER:
I will read the amendment. It actually inserts the words in the middle of what the Historic Preservation Commission does. "Are consistent with Chapter 24A-6B, to repair the May, 2008 tree damage to the caretaker's house with compatible materials. Repairs only. Expansion or façade changes are subject to Historic Preservation Commission review." So it just adds that limited language to allow them to fix this.

COUNCIL PRESIDENT ANDREWS:
OK.

JEFF ZYONTZ:
Just one minor thing. We've been calling it "the caretaker's cottage," so we should be consistent with that.

COUNCIL PRESIDENT BERLINER:
Thank you. "Caretaker's cottage." Strike "house," insert "cottage."

COUNCIL PRESIDENT ANDREWS:
OK. Is there a second for that amendment? OK. It is moved and seconded. Is there any discussion on the amendment? Councilmember Leventhal has his light on. Do you want to comment on the amendment? OK. Councilmember Leventhal.

COUNCILMEMBER LEVENTHAL:
It was not long ago that this Council was having a discussion about whether historic preservation requirements are burdens among property owners. And my good friends who have just offered and seconded this Amendment argued vociferously that the historic preservation process was neat and clean and easy and cost-free and pleasant and that HPC worked very easily with property owners and that there were no problems. Now we're offering an amendment to exempt a particular renovation from the historic preservation process. I would only ask whether my colleagues are being entirely consistent here. We're going to have a big discussion tonight about whether the historic preservation ordinance needs to be changed, and I can predict where the votes might break out, perhaps. I haven't agreed to how I'm going to vote on that matter. But I did offer an amendment some weeks ago that my friends and colleagues who've offered this Amendment opposed on the basis that just couldn't be easier working with the HPC. It was just a pleasure, that they want to work with property owners, there's no burden and



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no problem at all. So I will vote for this Amendment, and I'm glad to see its sponsor recognize that the historic preservation process is not always so burden-free. That there are costs and difficulties associated with it.

COUNCIL PRESIDENT ANDREWS:

Thank you, Councilmember Leventhal. Councilmember Elrich?

COUNCILMEMBER ELRICH:

Nobody ever said it was neat, clean, or easy. We just said it was manageable, and there's a big difference between those things. Mr. Berliner's offered a compromise that deals with an immediate situation. Some of us on some of the other properties tried to affect conversations that result in compromises with less success. So to the extent that Mr. Berliner was able to come up with something that works for everybody, I'm happy with it. But I think you kind of mischaracterized where we were in terms of describing the processes. I don't know it was easy as opening a door. I think everybody recognizes it's a tad more complex than that.

COUNCIL PRESIDENT ANDREWS:

OK, thank you, Councilmember Elrich. There is no other discussion on the Amendment, so we're ready for the vote on the Amendment. Everyone understand the Amendment? OK, all those in favor of the Amendment, please raise your hand. That is unanimous, and the Amendment is approved 8-0. OK, is there any other comment on the matter before us on the Planning Board draft Amendment to the Master Plan for Historic Preservation for Wild Acres? All right, seeing none. We're ready for the vote, and this is not a roll call vote. It requires a majority. All those in favor, please raise your hand. That is unanimous, and that is approved 8-0. Thank you all. And our next item is Item 18, which is action on Subdivision Regulation Amendment 9-01, the Adequate Public Facilities Validity Period. The PHED Committee has a recommendation on the matter. Chairman Knapp?

COUNCILMEMBER KNAPP:

Thank you, Mr. President. We had a bill submitted on behalf of the County Executive recommending a modification to the adequate public facilities validity period. Effectively, what this would do is extend--right now an adequate public facilities validity period is 5 years, and can be extended for an additional 5 years for a total of 10. What this would do would be to extend that period for an additional 2 years beginning April 1 of this year, or as of tomorrow, and would extend for 2 years to April 1, 2011, at which point it would sunset. Some specific issues relate to validity periods with automatic extensions. So those projects that are currently--currently exist with the previous validity periods would now be extended for an additional 2 years. As we understood it from the discussion, there is actually one project that is out there that this would ultimately apply to right now. So it would extend that project for an additional 2 years. Prospectively, those organizations coming forward with projects between now and the sunset period would also be given the



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additional 2 years. So it would go from 7 to 12 years for the period. And it would address the maximum validity period, which would then take the outer window from 10 years to 12 years. The biggest part of the discussion was when we actually made this effective, and we agreed that April 1 seemed to make sense to everyone. And that is the recommendation of the Committee.

COUNCIL PRESIDENT ANDREWS:

OK, thank you, Chairman Knapp. Are there any comments about the recommendation? I'm seeing none. OK, we are prepared to vote, then. This was one of the items recommended proposed by the County Executive a few months back and has gone through the Council Committee now, and this is meant to provide a helping hand to businesses that have not been able to go forward because of the economy. And I think that it is a measure that is justified, given the economic conditions we're in. So with that, all those in favor of the--it's a roll call? All right, thank you for reminding me. Please call the roll out.

MARY ANNE PARADISE:

Mr. Elrich?

COUNCILMEMBER ELRICH:

Yes.

MARY ANNE PARADISE:

Ms. Trachtenberg?

COUNCILMEMBER TRACHTENBERG:

Yes.

MARY ANNE PARADISE:

Ms. Floreen?

COUNCILMEMBER FLOREEN:

Yes.

MARY ANNE PARADISE:

Mr. Leventhal?

COUNCILMEMBER LEVENTHAL:

Yes.

MARY ANNE PARADISE:

Ms. Ervin?



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COUNCILMEMBER ERVIN:

Yes.

MARY ANNE PARADISE:

Mr. Knapp?

COUNCILMEMBER KNAPP:

Yes.

MARY ANNE PARADISE:

Mr. Berliner?

COUNCIL VICE PRESIDENT BERLINER:

Yes.

MARY ANNE PARADISE:

Mr. Andrews?

COUNCIL PRESIDENT ANDREWS:

Yes. It is approved 8-0. Thank you very much. OK, our final Item on the District Council Session calendar this afternoon is a work session and action on the Amendment to the Master Plan for Historic Preservation for the Falkland Apartments, and the PHED Committee has a report on this item.

COUNCILMEMBER KNAPP:

I do. Before we get started, I just want to be clear. Last week we actually had an amendment to the Master Plan, and we had a work session with action the following week. And so this week we're actually going to do work session and action all at one time?

COUNCIL PRESIDENT ANDREWS:

It's up to the Council. Let's see what the pleasure of the Council is.

COUNCILMEMBER KNAPP:

OK, just wanted to--I don't care. I just want to be clear so people understood, because we did it differently just last week.

COUNCIL PRESIDENT ANDREWS:

Yeah. If the Council is ready to go to action on this item today, we can.



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COUNCILMEMBER KNAPP:

OK. All right, fair enough. To get started, I will turn to Mr. Zyontz, actually, to give us an overview of the elements of the Master Plan Amendment, and then we can work into what the Committee's recommendations were.

JEFF ZYONTZ:

OK, once again I'll try to take advantages of the room and use some of the video features here. The Falkland Apartments starts back in about 1937 when the first phase of this was completed. It was the first garden-apartment complex in the County. In 1935, there were 2,035 apartment units spread between Montgomery County and Prince George's County. So when this came along in 1938, it was adding about 25% to the apartment inventory of 2 counties, just to show you what a big deal it must've been in its time. It was designed by Louis Justement, who did other projects in the area. It is an excellent example of bringing the--the garden-city movement into the County. And what it did is it brought an urban form, an apartment building, and put it next to nature. And you see some of this in this 1938 photo after it was first constructed. You can see mature trees in the middle and the Y-shaped stream valley that is noted later on some architectural assessments of the property. Basically, instead of walking out from your street--apartment into a street, you can walk into a setting in nature. It was the first project in the state to receive a grant from the Federal Housing Administration. The opening in 1937 was attended by Eleanor Roosevelt. So it had some significance certainly at its time. Now, let's look at this fine 1938 photo, which I found in the archives of the Montgomery Historical Society. This is East-West Highway. I won't use the painter this time, just my arrow going back and forth. You'll see that 16th Street stops at East-West Highway, so it did not continue on. If you go over to the other side, this is the Blair Apartments and a shopping center over here. NOAA is now at this corner, a shopping center at this corner. Colesville Road here is a fine, fine, 2-lane road going under the underpass. We note 3 sections all the time in the Planning Board's material. There's the west section, which is west of 16th Street, the south section, and the north section. So we'll see that going forward. Now I'm going to go to 1951. If you'll forgive me for a second, this is the Bar Mitzvah picture of the establishment. It's 13 years old at the time, and you see much more mature trees along East-West Highway where before you saw raw ground. And you can still see the high, mature trees in that stream valley setting. Again, East-West Highway has gotten a little bit wider over time. We now see car dealerships on the other side of the road, Perry Lumber here with the railroad siding on the other side of the tracks. So Silver Spring is starting to develop, but it was there first. Silver Spring developed around this project. Now just a little bit on the process history. This project was reviewed by the Planning Board back in 1983. And at the time, what came out of that review was a designation by the Council that only the Cupola Building, the building furthest south down at the very corner of it--I moved to 2008 for a second--was designated on the Master Plan for Historic Preservation. The remainder of the site was not even on the locational atlas. When the Planning Board undertook a review of all resources in Silver Spring in 2002, it noted that this was a resource that was



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not on the locational atlas, and it put it on the locational atlas in 2003. The entire site was put on the atlas. So now we were dealing with everything. What we see that's different, again, from the 1938 photo, is not only do you have development on the corner, 2 acres of the site was developed as the Draper Lane Project on this southern tip near East-West Highway and Colesville Road. So there were 34 units that were demolished in that process. We now come up to date, and this is aerial photography from 2008. You can see Draper Lane taking up that corner project. And you can once again see that East-West Highway is becoming more of a barrier as we go through time. If the Chairman would like, I'll go through the Planning Board's recommendations for 2 seconds? The Planning Board recommended designating the lower 2 quadrants, the west quadrant over here west of 16th Street and the south quadrant on the Master Plan, for historic preservation. The Committee essentially agreed with that, if you'd like me to go on. Or do you want to? Ha ha ha ha! Besides, I have the pictures. The Committee agreed with the Planning Board's recommendation--the majority of the Committee agreed with the recommendation with one revision, and that is that the environmental setting not include the Master Plan right of way of East-West Highway or Colesville Road, and this depiction reflects the Committee's recommendations. Councilmember Elrich would designate the north parcel, as well, on the Master Plan of Historic Preservation, and he dissented from that opinion. There is a resolution in your packet that reflects the majority view of the Committee with the appropriate changes to that and the map that you would have the Council adopt.

COUNCILMEMBER KNAPP:

So Mr. Zyontz gave the overview and the Committee's recommendation. So now you have before you both the context and the Committee's recommendations, and I will just turn to the Council and see if there are any questions for clarification anyone may have.

COUNCIL PRESIDENT ANDREWS:

OK, are there any questions or comments? I don't see any--oh, wait. Councilmember Elrich?

COUNCILMEMBER ELRICH:

Ha ha! Um, I'm not going to say a lot because I think most of what needs to be said has been--to be said has been said. I support designation of all 3 parcels. I think that the exaction from the owner is a pittance for the destruction of the third parcel. I think that proponents of this as affordable housing falsely pat themselves on the back as a great victory. Because what you have there today are a substantial number of units, all of which are affordable either at workforce housing or below. And that to give this owner 1,000 new units--what the Council is really getting is 125 MPDUs. For 15 years after 2014, we'll extend controls on another 94 units and perhaps on the units in this other development which isn't in Silver Spring. But in 15 years, beyond which 90 units are currently controlled, those controls are gone. So at the end of the day in Silver Spring, there will be 125 MPDUs that'll be affordable where there are currently close to 400 affordable-housing



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units. So how this translates into a victory for affordable housing in the long term totally escapes me. It barely does the job in the short term. The workforce housing units that'll be built there will be relative to the price of the new units that are there. If you look at the charts for workforce housing, the rents for workforce housing are above what's currently gotten for the apartments in this complex. So see me questionable on how much of a victory this is for affordable housing in the short term. So I don't see what we're getting that's worth all that much. I understand perfectly well what the developer's getting--it's worth a lot. For parcels that they spent about \$115,000 to \$120,000 a unit for, they're now going to multiply and get 5 units for every one they got--or more than 5 for every one on the north parcel at that price. So the value of the ground underneath this unit is a pittance. It's easy to do a development there and make money. You would have to be pretty stupid not to make money, given what's being given away. And I feel that, you know, for what we've given away, we should've exacted a lot more. We should've at least exacted protection over the entirety of the other 2 parcels in order to have maintained as much affordable housing here as we could've maintained. That would've served the purposes of Silver Spring. For those that talk about the needs of Silver Spring, this would've been an opportunity to preserve a substantial amount of affordable housing in the core of Silver Spring. But that apparently is neither the wish of the Council, nor the wish of the Planning Board. So I think everybody needs to be clear that, yeah, you get 125 MPDUs. And for 15 years after 2014, you've got 94 units protected. But this is a lousy deal, and we should've done better and we could've done better. And we've got to figure out a better way to deal with developers and projects like this if we're going to have any hope of retaining affordable housing in the County. So I fully expect that my views are not shared by most members of this Council, and I recognize the consequences of that when it comes to voting. But I want to make clear that I think we could've at least done better. If we're going to allow this development to go forward, it shouldn't have gone forward so cheaply.

COUNCIL PRESIDENT ANDREWS:

Thank you, Councilmember Elrich. Council Vice President Berliner?

COUNCIL VICE PRESIDENT BERLINER:

It is not often that I disagree with my good friend and colleague. On this one I do, and I will be supporting the Committee's recommendation. But I confess that the public hearing on this matter I thought was as good a public hearing as we have had in terms of people giving expression to 2 very conflicting views of the world. I don't doubt, based on what I heard, that the parcel that is at issue here would "qualify" for historic designation. At least, I'm not an expert on such matters, but I would concede that based on what I heard, that that would probably be the case. What I was struck by, and what I want to ask Dr. Hanson to give voice to, is that in this instance, your recommendation to us is that when you weighed competing public purposes, you concluded as our good friends, AIM, have concluded. And so I would say to my colleague one of the things that I found persuasive in this conversation is among our community's most vigorous advocates for affordable



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housing is the AIM community, and the AIM community is here saying support this compromise. So from the prospective of a broad swath of the community, they believe that this compromise is appropriate because that which is being offered in this deal is, in fact, of value. But I did want Dr. Hanson to give expression to when we have this contest between 2 competing public values. That is, the desire to preserve this historic setting versus what this particular parcel means in terms of being right next to the Metro and how important that is for us to do as much with it as we possibly can. And I concluded that--I assume that your bottom line was as you weighed those, you felt that this other opportunity was way too important. Would you speak to that, sir?

COUNCIL PRESIDENT ANDREWS:

While you do that--that's fine. No, that's good. I'd like to have everybody at the table introduce themselves so that we can attach a name and a face as we go along and for the viewing audience. Why don't you start, Mr. Chairman.

ROYCE HANSON:

I'm Royce Hanson. I'm Chairman of the Montgomery County Planning Board.

ROLLIN STANLEY:

Rollin Stanley, Planning Board.

SCOTT WHIPPLE:

Scott Whipple, Historic Preservation Supervisor in the Planning Department.

CLAIRE KELLY:

Claire Kelly, Historic Preservation Planning.

ROYCE HANSON:

Basically, the Vice President has put the matter as we saw it. This site has been before the Board and Council numerous times over the years and has been the subject of at least 3 Master Plans over time. And each time the Master Plan--I believe it recommended the redevelopment of the north parcel. But sometimes there were different recommendations for the other 2 parcels. But more recent Master Plans have kept both the other 2 parcels basically in their current use. We went through 2 hearings on this matter. The first was essentially the question of whether all 3 parcels were eligible for historic designation, and both the Historic Preservation Commission and the Planning Board found that they were. On the second set of hearings, the question before us was different. It was, all right, it's eligible. Should it be placed on the Master Plan for historic preservation? And there, our job is a balancing job to see if there are competing public interests and how those public interests can best be resolved. The proximity of this site to Metro, the value of having high-density residential development adjacent to Metro, the opportunity to have affordable housing built as an integral part of the project and to have



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additional commitments for affordable housing, and to create an economic environment where the owner would not only agree to the preservation of what we regarded as the most important parts of the project but also to make improvements to the remaining sections to basically ensure that they would be preserved and protected ultimately brought us to the conclusion that we reached and which the Committee has endorsed.

COUNCIL VICE PRESIDENT BERLINER:

Thank you, Mr. Chairman.

COUNCIL PRESIDENT ANDREWS:

Thank you, Council Vice President Berliner. Councilmember Trachtenberg?

COUNCILMEMBER TRACHTENBERG:

Thank you, President Andrews. While I have not really had comments to make about this particular project publicly, I want to share some this afternoon. I very much believe that this project represents the nexus of past and present. And to me, that's an important point to make, having grown up in New York City where I was surrounded by that routinely. And I can remember when my parents left Manhattan they purchased a historic property out in Forest Hills in one of the boroughs outside of Manhattan. And my mother and father were very proud of that and spent a great deal of time preserving that home. And I can remember when a opportunity was presented to the community to build a community center with a rental building right nearby. To take an older building and, well, not tear it down, but add to it. There was quite a bit of furor in the community, and I can remember there was a great deal of division in my parents' household. My mother was adamantly opposed to the project, and my father thought it was a simply grand idea. And eventually the project was built, and my mother actually participated in the historic preservation of the original part of the building. And the reason I'm sharing this story is because I remember quite well how important that project became to my parents. It became very important to them as they aged, and it was where my father spent a great deal of time the last year of his life after my mother passed away because it was indeed the anchor of the community. So, you know, I'm of the mindset that this project speaks to our future, our vision for the future, here in the County. And I believe that the developer has worked a compromise here, has a track record of working with the community, and I have no reason to believe that will not continue. Home Properties is well-known for their collaborative work with communities, so I support the project. It's a hard decision to make because I recognize the significance of the historic value of the Falklands property, but I also believe that this indeed is an opportunity for us, as I said, to put into action our vision for the future. But it's also an opportunity to respect the past, and I believe that we will do that as we move forward.

COUNCIL PRESIDENT ANDREWS:

Thank you, Councilmember Trachtenberg. Councilmember Floreen?



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COUNCILMEMBER FLOREEN:

Thanks. I just want to respond to a couple things that have been said, really by Marc. If you look at this in perspective, 4 different Coun--now we're the fourth Council to take this up, and the first one to actually do anything about it, which is to designate 2 large portions of the Falklands as historic. That's a big deal right there. It hadn't been done before. And as of this moment in time, zero units on this site are preserved long term for affordability. What we know is that there are some that are going to expire in 2014, and then there will be zero. So, OK, the balance is zero versus something. What we get here, if you include some offsite units I understand weren't in our packet but also part of the proposal here, Montgomery County residents are going to have access to 266 price-controlled units. That's what we do not have at this point and time, and that's what this decision achieves, as well as a significant preservation of a large portion of the Falklands. I think that's a win-win and a very successful solution, as well as, I understand, protection of various portions of green space and other things that really aren't within our ken here but will be part of further action before the Planning Board. I think that's a huge success in terms of balancing a different, competing public interest, and the most aggressive step for historic preservation here than anyone's taken in many, many years. The last action that was actually taken was to preserve the Cupola. I mean, really. On the scale of the community's passion and support for this project, preserving the pink area on this map that's shown up here is really a big step and I think a great statement of commitment to historic preservation as well as to affordable housing.

COUNCIL PRESIDENT ANDREWS:

Thank you, Councilmember Floreen. Councilmember Ervin?

COUNCILMEMBER ERVIN:

Thank you very much. I am going to support what I just heard from Nancy Floreen and from Duchy Trachtenberg and also earlier from Councilmember Berliner who talked about the compelling testimony that we heard really on both sides of this issue. I just wanted to, for the listening public, just talk about the organizations and individuals that support the decision that we're about to make today, hopefully, to keep the south pors--the south portion of the property historically designated. We have the County Executive and DHCA, Montgomery County Planning Board 4-0 vote, Action In Montgomery, Silver Spring Urban District Advisory Board, Montgomery Housing Partnership, Ralph Bennett, former Commission and Chair of HOC, Barbara Goldberg Goldman, Co-Chair of County's Affordable Housing Task Force, Victory Housing, Washington Smart Growth Alliance, Montgomery County Coalition for the Homeless, Montgomery College, Silver Spring Chamber of Commerce, and South Silver Spring Neighborhood Association. And as what Councilmember Floreen just stated, we would be picking up--my number here is 265 affordable units. You said 266. We'll have to check the math on that, but 125 would be moderately priced dwelling units, which would be constructed on the north parcel. 47 units on the north parcel would be restricted to rents and compliance with the County's



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workforce housing program. 47 units on the south and west parcels will be restricted to rents and compliance with the County's workforce housing program. 46 units currently in the rent supplement program at the Woodleaf Apartments will be extended for an additional 20 years. The 90 affordable units currently at the Falklands will return to market rents in 2014. The redevelopment would provide a mix of 265 affordable units. We've all heard about the smart growth and access to mass transit, Purple Line, etcetera, but a lot has been said about Eleanor Roosevelt coming to the Falklands to cut the ribbon. And my staff and I have been doing a lot of research and thinking about Eleanor Roosevelt and the importance of quality housing for people who don't have access to it. And in December of 1935, Eleanor Roosevelt helped launch the national campaign for slum clearance and affordable housing. And Eleanor Roosevelt and other American housers demanded that the United States joined enlightened European nations and recognize housing as an aspect of public security. At the National Public Housing Conference held in New York City in 1935, Eleanor Roosevelt presented greetings from the President of the United States, and she said the following--"I hope the day is dawning when private capital will devote itself to better and cheaper housing, but we know that the government will have to continue to build for the low-income groups. That is a departure for us, but other governments have done it." In a 1941 essay titled "Social Gains and Defense," published in "Common Sense," March, 1941, Eleanor Roosevelt observed that, "It is essential, I think, to all social gains that we realize that we can't simply maintain a status quo. We have to go on. If we stand still, we slide back, and we must always examine everything at every step of the way. It's well to be critical of ourselves of the things we do, but always to be critical with the objective of finding something better. Not just to tear down, but to suggest and to experiment with doing something better." And I would contend that that's what we're trying to do. And despite Mrs. Roosevelt's attendance at the ribbon-cutting for Falkland south parcel, I think it's fair to assume that Eleanor would have approached today's decision not bound by the confines of preservation but with the best long-term interests of those in need of affordable housing and the desire to experiment and improve upon the status quo. And I'd like to end by saying that Mrs. Roosevelt in the thirties and forties, with a lot of folks from the government, went around Washington, D.C., tearing down slums and building affordable housing for people in need of housing. And it's my contention that that's exactly what we're doing here.

COUNCIL PRESIDENT ANDREWS:

Thank you, Councilmember Ervin. Councilmember Elrich?

COUNCILMEMBER ELRICH:

You know, I've never heard the Falklands referred to as a slum. And I think you'd be disappointing the people who live there to let them know that the housing they live in is considered to be slum housing. There's nothing slum about the Falklands. Eleanor Roosevelt was the more progressive of the partnership that she was a part of, and one could speculate endlessly. But what she might've--uh, she was, in many ways, to be the



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one who was more progressive, but it's debatable what she would've said about the loss of affordable housing in a case like this. I don't think we're arguing--none of us seem to be arguing the historic merits of this project. I don't think that's an issue. And the question is, what is the overwhelming public interest here? If this becomes the model for how we do redevelopment, then every time we knock down an existing complex, we're going to have fewer and fewer long-term units preserved if that's the way we approach it. If this becomes our model, we wind up with less and less. And you can talk about the time limit that MP-- not MPDUs, workforce housing--but at the end of 15 years, they're gone. I don't have any sense that the affordable-housing issue in Montgomery County is going to be resolved in the next 15 years. There is absolutely no way on earth this Council's got the money to build the quantity of affordable housing that is needed. And it seems to me what we do have is affordable-housing stock that's on the ground that we ought to be making a greater effort to preserve. And I think in this case, if the Council really wanted to make this concession to the developer, to allow him to redevelop the parcel, we really should've gotten more for the deal. And I think it's--you know, we need to think really hard about what the implications are as this goes down the road. There are a number of older apartment complexes in the County that are low rise, that are going to be subject to enormous pressure to redevelop, which are affordable because they don't have the amenities of some of the fancier apartments. And if those come on the block and we settle for retention of a fraction of them, we're going to exacerbate this affordable-housing problem we have, not making it any better.

COUNCIL PRESIDENT ANDREWS:

Thank you, Councilmember Elrich. Councilmember Ervin?

COUNCILMEMBER ERVIN:

With all due respect, Councilmember Elrich, I don't think anybody listening thought I was calling the Falklands as slum. I was making--I--I really don't appreciate that, and that was not what I was intending by what I said. So I just wanted you to know that that's not appreciated.

COUNCIL PRESIDENT ANDREWS:

OK. All right, thank you. I don't see any other comments at this point. Are there any questions that anyone has about the proposal?

JEFF ZYONTZ:

In this case there, you do have a resolution before you to approve.

COUNCIL PRESIDENT ANDREWS:

Yes. OK, all right.



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COUNCILMEMBER KNAPP:

Mr. President, just clarify that, though. As you talked about at the beginning, that we are acting today so people understood that, just because we did that differently.

COUNCIL PRESIDENT ANDREWS:

Yes. Yes, I arranged it so that we could take action today if all the questions were answered, and they appear--Councilmember Leventhal has a question or comment.

COUNCILMEMBER LEVENTHAL:

I don't want to delay this unduly. Thank you, Mr. President. I would like to understand because it's come up many times before, and, really, this is for our legal staff--I guess Jeff Zyontz. We don't have a proposal before the County Council to designate the north parcel as historic. That's not before the Council and it never has been before the Council. Isn't that correct?

JEFF ZYONTZ:

No. In this instance, the site before you is the locational atlas site called the Falklands, which includes 3 parcels. The Planning Board recommended 2 of those parcels. It's up to the Council to designate or not designate all of them or none of them.

COUNCILMEMBER LEVENTHAL:

I--I hear the answer to my question, but let me clarify the point of my question because we've had on a number of occasions the following sequence. OK, Historic Preservation Commission makes a recommendation to Planning Board, Planning Board makes a recommendation to Council, Council acts on the Planning Board's recommendation. There have been also circumstances where community members have said, you know, we don't agree with the HPC or we don't agree with the Planning Board, and we want the Council to do something different than what it has received either from HPC or from Planning Board. And over the last few years, I think consistently what the Council has said is that the Council will entertain requests for historic designation of properties recommended for historic designation by the Planning Board. Am I correct?

JEFF ZYONTZ:

Yes. Now, the difference here is that you do have a recommendation from the Planning Board to designate, but to designate part of the site. Where the Council has not taken up the issue from the Planning Board is where there was a single site that was not recommended. Essentially, they were sending up to you an empty envelope that said don't make a change to the Master Plan for Historic Preservations. Well, every day you don't make a recommend--you don't change it unless you actively change it. In this case, they did not send you an empty envelope. They sent you an envelope with 2 out of 3 parcels, and it's for you to consider what you wish to designate.



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COUNCILMEMBER LEVENTHAL:

Fair enough. But there has not been a recommendation before the Council from the Planning Board, and not either from the PHED Committee, that the north parcel be designated? That is not the recommendation that was sent to the Council from the Planning Board?

JEFF ZYONTZ:

That's correct.

COUNCILMEMBER LEVENTHAL:

That's obvious. And so, again, consistent with what the Council has opted to do in the past, we've only acted--I did hear what you said. But in the years that I've been sitting here, we've only acted on recommendations for designation from the Planning Board, and we don't have one for the north parcel.

JEFF ZYONTZ:

That's correct. We did review this decision--or, I did review it internally to make sure I was on firm grounds that what is before you, though, is the locational atlas site. It is correct that you do not have a recommendation from the Planning Board to designate the north parcel.

COUNCIL PRESIDENT ANDREWS:

OK, thank you, Councilmember Leventhal. All right, I don't see any other questions or comments, and so we have the PHED Committee recommendation before us for action. All those in favor of the--this is not a roll call. This is a majority? I'm-- we went--it alternated. I'm just going by the scripts. Majority, roll call, majority, roll call, and I read it twice. It says "majority." Is that right? OK, it's not a roll call. OK, all those in favor of this recommended Amendment to the Master Plan for Historic Preservation regarding the Falkland Apartments, please raise your hand. That is unanimous, 8-0. OK, thank you. And our next Item that scheduled is Semi-Annual Report of the Montgomery County Planning Board. Do we have everybody here that we need for that? Yes? The answer is yes. All right, then we can move right into that. Unless--is there--is there a desire to take a short break? Do you want to--people need a few minutes? OK, all right. Let's-- all right, let's take a--let's come back at 3:10. We'll take a 15-minute break--

COUNCILMEMBER TRACHTENBERG:

Oh, thank goodness.

COUNCIL PRESIDENT ANDREWS:

And we'll start 3:10.

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TRANSCRIPT

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MONTGOMERY COUNTY COUNCIL

PRESENT

Councilmember Phil Andrews, President

Councilmember Roger Berliner, Vice President

Councilmember Marc Elrich

Councilmember Nancy Floreen

Councilmember George Leventhal

Councilmember Valerie Ervin

Councilmember Michael Knapp

Councilmember Duchy Trachtenberg

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1 COUNCIL PRESIDENT ANDREWS:

2 All right. Good afternoon again. Thank you for your patience. We are back, and we are
3 now going to move right into the semi-annual report of the Montgomery County Planning
4 Board, and after that, work session on some amendments to the Capital Improvements
5 Program for Police and Judicial Center Annex before we adjourn for the afternoon, and
6 then come back for 7:30 public hearing on historic preservation amendments. So, now is
7 the time for the semi-annual report of the Montgomery County Planning Board, and I will
8 first turn to our staff, Marlene Michaelson, who has prepared the packet for today's
9 meeting on this, and ask her for any comments that she has.

10
11 MARLENE MICHAELSON:

12 Not at the outset. I think they have a presentation they'd like to give, and when they're
13 done, we can address the issues in my packet, if you care to.

14
15 COUNCIL PRESIDENT ANDREWS:

16 Very good. OK. Let's have everybody at the table introduce themselves for the viewing
17 audience and listening audience.

18
19 AMY PRESLEY:

20 Amy Presley, Planning Commission.

21
22 ROYCE HANSON:

23 Royce Hanson, Chairman of the Planning Board.

24
25 ROLLIN STANLEY:

26 Rollin Stanley, Planning Director.

27
28 MICHAEL RILEY:

29 Mike Riley, Deputy Director of Parks, this week acting as director.

30
31 COUNCIL PRESIDENT ANDREWS:

32 OK. And I think this will be Mr. Robinson's last semi-annual meeting with us, and I want to
33 say on behalf of the council, John, thank you very much for your very dedicated service,
34 able service to the community through the Planning Board, to the county. We thank you.

35
36 ROYCE HANSON:

37 We're expecting Commissioner Cryor, but she may be a little delayed.

38
39 COUNCIL PRESIDENT ANDREWS:

40 OK.

41
42 ROYCE HANSON:



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1 And Commissioner Alfandre is recovering from surgery, so he will not be here this
2 afternoon.

3
4 COUNCIL PRESIDENT ANDREWS:

5 Please extend our best wishes to him. OK, please go ahead and proceed with your
6 presentation.

7
8 ROYCE HANSON:

9 We have three very short presentations to make to you. The first is some preliminary
10 thinking, and I emphasize "preliminary," and I also hope "thinking" on the growth policy.
11 The second is some, more than preliminary, thinking, and update on where we are with
12 the zoning code revisions. And, third is a presentation from the Parks Department that
13 deals with the energy conservation program that we've had. I thought we ought to bring
14 you some good news.

15
16 COUNCIL PRESIDENT ANDREWS:

17 We'd like to hear it.

18
19 ROYCE HANSON:

20 I think you'll be interested in what's been done. So I'm going to turn to Rollin for these first
21 two quick presentations.

22
23 ROLLIN STANLEY:

24 Good afternoon. Rollin Stanley. I'll move very quickly. I want to cover first, in the first 10
25 slides, where we're thinking on the growth policy. As you know, the current growth policy
26 deals with road capacity and schools. One of the factors of growth, and as the graphic
27 shows, is that growth in single-family housing in the county, it has been directing growth to
28 areas of less congestion. What we have today, when we look about where we can grow in
29 the future, is we can't build on the Potomac River. 47% of the county is either ag-reserve
30 or parkland. In 1960, that was the extent of our growth. Today, that's the extent of our
31 growth. And we have 4%, what you would call, "green fields" left, that are vacant. That's
32 all that's left. The functions of our growth have a lot of long-reaching implications. First of
33 all, transportation is the second-largest cost in a household, and it basically averages out
34 to about 18 cents for every dollar spent on a household in a suburban area such as ours.
35 And the darker colors in this graphic represent the highest areas of the county where
36 transportation costs represent a cost of the household expenses. And, of course, our
37 growth patterns also resulted in the second-longest commute as a state in the country,
38 and on average in Maryland we're spending 255 hours a year in the car. Now, this is a
39 very--the next 4 slides are what we call "population pyramids." I can describe them very
40 briefly. What you're looking at is, each bar is an age category, and unfortunately the
41 mullion ?????--oh, you can see it well on that. So, each one is zero to 4, age 5 to 9. It
42 goes up to 85-plus. And it's, the blue is males on the left, the lighter gray is females on the



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1 right, and this is the 2000 situation, when the population was 864,000. And that's a pretty
2 good population pyramid. What you see here is the sweet spot, the middle point, the
3 prime earning years of 25, up to 60, where you want that big bulge in your population
4 pyramid. You go to 2010 and you're starting to see a trend occurring, and when you get to
5 2020, it's not moving. It's still--there we go. 2020, you see what's happening. The whole
6 shift in the population pyramid is going up. Now, go back over that, if it goes back. No, it
7 won't. OK. So, what you have is a situation where, in this, you'll see the difference
8 between 2010 in the blue, and then the other color behind it, where we expect to be in
9 2030. And what you're seeing here is a dramatic shift in the age cohorts in this county,
10 more so than most places in America. And so, for example, what you'll see is, as we get
11 older, we are going to see an 81% increase in the age of people over the age of 65. And
12 so when you start to think about growth policy, it's just not about where we should be
13 growing, it's about how we should be growing, and who's part of that growth. We need to
14 make sure we're attracting what I'll call "the sweet spot" in the age population graph, or
15 pyramid, to be able to keep the engine going that provides us just the quality of life we
16 enjoy in this county today. Now, it gets real simple. When you show a map of where the
17 surface parking lots are in this county, there they are. There's 7,500 acres are almost --
18 actually closer to 8,000 acres of surface parking lots, and if you just look at the tops of a
19 garage, on top of that, a parking garage, that's another 40 acres. That's 2.5% of the
20 county. And we have to start thinking about how we can develop in strategically in those
21 spaces. This is a very fascinating graphic, which would probably be there. And when it
22 talks about congestion, this is megajoules per capita on the left. So that says a metro
23 area, how much are we using of energy per person on the left versus density in the
24 bottom. Well, it should be no surprise to anybody that the most efficient city in the world in
25 that terms is Hong Kong, and that's on the far right. Shockingly enough was Moscow, the
26 next one. But now you enter another sweet spot, the cities we all love. In blue, you see all
27 the European cities, Toronto, then green, the Australian cities, and then, all of a sudden,
28 you get into the American cities.

29
30 COUNCIL PRESIDENT ANDREWS:

31 You have a bias toward Toronto, I understand.

32
33 ROLLIN STANLEY:

34 Well, no, well, I mentioned, I'm going up the curve. And I didn't make this graph. But what
35 we'll see is you got New York and, go up. Now, surprisingly, Denver's one of the worst,
36 then Detroit, and, of course, the ones that are all on Quaaludes, Phoenix and Houston,
37 which are absolutely horrible places that they're trying to build out of congestion. And if it's
38 one thing we've learned, you can't build out of congestion. So, what are we looking at, in
39 terms of the growth policy? Well, is growth about more than just phasing or timing of
40 development? Should it be about encouraging smarter growth? We're proposing--not
41 proposing to change PAM????? or LTR. We'll do fine-tuning. It will still be there under
42 what we're thinking. We'll still measure the school capacity and transport capacity, but



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1 how do we bring smart growth into the mix? Well, can we look at the APF test in terms of
2 other things like transit proximity, LEED for neighborhoods. You've all heard about LEED
3 for buildings. Well, there's also LEED for neighborhoods, and it talks things about, how
4 close are you to basic services? So, like in downtown Silver Spring, you don't need to
5 drive. That's a positive thing. If you're not driving, is that smart development? Should you
6 factor that into the equation? A jobs-housing balance, which you all talk about when we
7 talk about master plans. And then one thing I want to bring to your attention is the
8 minimum density. In California last fall, they passed landmark legislation to look at
9 incentivizing smart growth. That's growth of certain densities in the right locations. And
10 what we're exploring is how to factor that into the growth policy. That was it for the growth
11 policy. I wanted to keep it short and sweet. I don't know if you wanted to ask questions
12 about that before I go on to the zoning rewrite.

13
14 COUNCIL PRESIDENT ANDREWS:

15 Mm-hmm. Any questions about that outline, that description?

16
17 COUNCILMEMBER LEVENTHAL:

18 I'd like to suggest, Mr. President, since I understand that many of the concepts that Mr.
19 Stanley has just outlined carry over to the zoning rewrite, that it might be most beneficial if
20 we could go ahead and hear the zoning rewrite, and then direct questions with respect to
21 both concepts together, if that's acceptable to my colleagues.

22
23 COUNCIL PRESIDENT ANDREWS:

24 That sounds reasonable. Let's do that.

25
26 ROLLIN STANLEY:

27 OK. Zoning rewrite. Now, some of you on PHED have seen this, but this is a great
28 graphic. You'll see here in 1929, the zoning code had 5 zones. It was 15 pages. In 2008,
29 we hit 119 zones and 1,000 pages, and in fact, about 100 pages got added to the zoning
30 code last year. The colors just represent the growth in districts, and the bar chart between
31 commercial, residential, et cetera. Our themes are pretty simple. Fewer zones, separate
32 use from standards. That means a use is a use. If you have a single-family district, that's
33 the use. You may have different standards for it, but you don't need to create a different
34 zone. GIS mapping. We are proposing big changes to GIS mapping. As you may or may
35 not know, some of our zoning maps are still hand-drawn. And we propose to, and we've
36 been, I've got 4 students from the University of Maryland who are doing a fabulous job,
37 translating everything in the zoning maps, including the zoning case histories, the special
38 exemption histories, into GIS format, where we will eventually come to you and ask for a
39 new set of zoning maps that just carry everything we've got today, but put it into electronic
40 format, which then will spread through everything that the county does, and they all link
41 into those maps, so we can all start working from the same data set and start layering on
42 information. We're looking at standards for infill housing, streamlining processes, using



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1 floor areas as a measure of bulk in all zones, and revising what we've been doing in mixed
2 use areas. So, for example, you may have heard that last week we circulated--oh, I should
3 tell you. Chairman Hanson has got together a zoning advisory panel, chaired by John
4 Delaney, with 24 people, I think, on it, to represent the entire community, who are acting
5 as a zoning advisory panel, where we're going to bring ideas to them, bounce off ideas,
6 get ideas from them, to move this forward over the next two-and-a-half years. We handed
7 this out last week or the week before to the very first meeting. This is a proposal, for
8 example, of what would be used in White Flint and other commercial-residential areas,
9 where it's a commercial-residential district, CR, where your densities and floor areas are
10 based on the total amount, which in this case is T, 4 times FAR for the total amount, of
11 which you could then play with the commercial and the residential mix, depending on what
12 areas of the county you're in. For example, a strip mall in Olney would be dealt differently
13 in terms of the numbers, but you adjust the numbers. Part and parcel to this would be
14 looking at floor area bonuses, where we set the limit lower. And we set a height limit and
15 say, "That's your maximum height limit. Here's your density. We're going to start
16 subtracting from that in terms of the height limit, but we'll start adding the floor bonus if
17 you do certain things." And the kinds of things we're thinking about are, back to LEED for
18 neighborhood, connectivity, being able to walk to services. If you build a building and
19 there's 10 basic services next to you, a grocery store, a drugstore, a dry cleaner, et
20 cetera, that you can walk to, that's a benefit. It reduces our carbon footprint, making it
21 green. Green roofs, green walls. Energy production on-site. Some of you may have seen,
22 and I don't have it in this slide show, of a single-room occupancy building that was
23 recently built in Chicago for homeless people, where they put a windmill on the roof. And
24 not this kind of windmill. It looks like a lady's curler. It's about the size of this table. They're
25 doing it in other places for those kinds of structures. We should be able to start to look at
26 how we can do it here, and it's a direct payoff for everybody. Day care. Absolutely critical.
27 Councilor Elrich and I are speaking at a panel tomorrow on affordable housing. This is an
28 important component to affordable housing. This is an important component to attracting a
29 qualified workforce. And, of course, workforce housing. Still requiring workforce housing
30 and MPDUs, but do we think about exempting the floor area as a further incentive? New
31 ideas. A linkage fee. Dr. Hanson and I have looked at the linkage fees around the country.
32 We put one into this draft zone, which is used all across California, where linkage fees are
33 linked to non-residential uses. We don't do that here. In exchange for moderately-priced
34 dwelling units. And that's out there now, and, in fact, several people testified last night at
35 the Planning Board hearing on White Flint, and there was not a squeak about this yet.

36
37 ROYCE HANSON:

38 Yet.

39
40 ROLLIN STANLEY:

41 Yet. So, in terms of timing--



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1 ROYCE HANSON:

2 We have so much other stuff for them to squeak about, that--

3
4 ROLLIN STANLEY:

5 In terms of timing, we are proposing, and we're discussing this with the zoning advisory
6 panel, about bringing things to you folks incrementally. Not changing everything at once,
7 doing them in pieces with the mixed-use zoning coming first, working at this through the
8 fall and spring, getting more ideas as we go through, and working eventually to the
9 residential zones, which we imagine coming to you in 2011. So, this is a long process.

10 The mapping alone, if you saw the map of the 600 water districts, and we're slowly getting
11 them translated into GIS format. This is a big exercise, and the one thing we have to be
12 absolutely adamant about, is to make sure everybody's informed about what everyone is
13 thinking. And that's it for me.

14
15 ROYCE HANSON:

16 And basically, what we're trying to do with the stakeholders is vet these ideas. We're
17 laying out a lot of ideas now. Some of them may have a short half-life, some of them may
18 really have some great possibilities and some opportunities to improve the way in which
19 we approach the zoning, and as Councilmember Leventhal suggested, there is a
20 relationship between what we might do with growth policy, what we do with master plans,
21 and what we do with zoning. In a rational world, those things would be connected and
22 linked.

23
24 COUNCIL PRESIDENT ANDREWS:

25 Reserving judgment on the substance of what you said, it was certainly both concise and
26 energetic at the same time. So, that I could say, and it sounded interesting as well. All
27 right, Councilmember Leventhal, then Councilmember Floreen.

28
29 COUNCILMEMBER LEVENTHAL:

30 Thank you very much, Mr. President. I'm getting feedback from around the county on the
31 presentations that are being made regarding both of these concepts, the growth policy
32 and the zoning code rewrite. First of all, I already, the last time we were here together,
33 Chairman Hanson and I complimented you, and I compliment you again on the Op-Ed that
34 you published in "The Gazette" quite some time ago now, a couple of months ago now,
35 which I thought was a very appealing effort at building consensus around some of these
36 concepts that we've heard Rollin talk about now. Fleshing out what we mean when we talk
37 about smart growth, what might infill look like, how might we connect transportation policy
38 with land-use policy. So, and I have--there's much in what Rollin has just presented that
39 I'm reacting favorably to. On the other hand, I can't help but get the feeling that some
40 within Park and Planning believe that this is already, already been figured out, and that
41 the purpose of the public meetings, and this is the feedback, this is my sense from this
42 discussion and also the feedback that I'm getting from members of the public who have



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1 attended the meetings, is that they're being presented to, they're not really being listened
2 to. So, what--so, I think, for me, there's--there are issues more, perhaps, with the
3 messenger than with the message. I think there are ways of getting public input and there
4 are ways of having people feel like their input hasn't been entertained, and I think the
5 latter situation is the feedback I'm getting from community members. In addition, although
6 Rollin had very interesting demographics, statistics about who we're doing this for, there's
7 a distinct lack, I think, in the feedback groups that have been assembled by Park and
8 Planning, of younger people, and I think there's a distinct lack of recognition that the
9 demographics of Montgomery County are changing very rapidly. So, I will-- so, I'm giving
10 a polemic rather than asking a question, but, how are we incorporating, "a," the real intent
11 to listen first, rather than presenting first into these feedback loops? That's my first
12 question. My second question is, are we making a real effort to have these feedback
13 groups be broadly representative of the very diverse constituencies that we represent, or
14 instead, would we describe these feedback groups as, I'm going to use the phrase, you all
15 heard it, "the usual cast of characters"? Zoning lawyers and civic activists and 99.9%
16 Caucasian and 85 or more percent above the age of 55? So, and I have another question
17 after you answer that one.

18
19 ROYCE HANSON:

20 Yeah, 2--2 things that I'd say about that. We are trying to avoid the "200 people moving
21 from room to room" syndrome. We've been essentially going on the road, trying to meet
22 with as many groups as will meet with us. I think there is always the danger when we're
23 laying out what may be new ideas, and making a presentation, to have people feel like
24 we're telling them how it's going to be. I think we'll have to be careful about that, because
25 that's not our intent. Our intent is to lay out ideas, to try to get reaction to the ideas, and
26 then work through them over a period of time. One of the reasons the basis for the
27 stakeholders committee, and I have to say that the board tried to do a pretty careful
28 analysis of how to put together a committee. There our aim is really to get an expert
29 committee. On that committee, we're not really trying to achieve a cross section so much
30 as to have a group of people who are really deeply knowledgeable about the zoning
31 process itself, and about the law of zoning, because, ultimately, when we present a new
32 zone to you or a major zoning code revision, we want to make sure that the most
33 knowledgeable people in the county have vetted it. They may not all agree with it when it
34 finally comes through the board and we recommended it to you. But at least the people
35 that you would essentially rely on, whether they're from the development side of the
36 ledger, or the civic side of the ledger, or some other part, have participated in that process
37 and really understand it, and have given us the benefit of an extraordinary amount of free,
38 high-quality, expert advice.

39
40 COUNCILMEMBER LEVENTHAL:

41 Could I stop you on that point, Mr. Chairman?



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1 ROYCE HANSON:

2 Yeah.

3
4 COUNCILMEMBER LEVENTHAL:

5 It's a nice way of describing it, but I'm afraid you're confirming my worst fears. I mean, if
6 you get a group of people together in a room who know the most about the Montgomery
7 County zoning code, and yet, what we're proposing to do is to create a vision of what we
8 want the county to look like in the next 30, 40, 50 years, a handful of zoning lawyers and a
9 handful of hard-core, longtime civic activists, represent maybe .02% of all the people who
10 will live in this county, or a smaller percent of all the people who will live in this county over
11 the next couple of decades. So, let me again ask, what effort is going to be made to have
12 this vision of jobs growth, transportation infrastructure, quality of life, meet the needs of
13 the people who need to take advantage of all of those things? Not only the-- I could use
14 the word "purist." I might even use the word "fetishist." But, you know, those who obsess
15 over the zoning code night and day, some who are paid to-- some who are highly
16 compensated in billable hours, and others who have made it their lifelong obsession. But
17 that is not representative. This is a serious point.

18
19 ROYCE HANSON:

20 I would agree with you, if that's all we would be doing.

21
22 COUNCILMEMBER LEVENTHAL:

23 They are not representative of the Montgomery County public.

24
25 ROYCE HANSON:

26 I couldn't agree with you more, and if that were all we were doing, I would agree with you,
27 but it isn't.

28
29 COUNCILMEMBER LEVENTHAL:

30 So tell me what more you're doing. That's what I'm asking.

31
32 ROYCE HANSON:

33 Well, we're doing a road show.

34
35 ROLLIN STANLEY:

36 Couple things. First of all--

37
38 ROYCE HANSON:

39 Among other things, getting to as many people as we can.

40
41 ROLLIN STANLEY:



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1 First of all, a lot of what you're saying sounds like a letter that I received as well. I'm not
2 sure if there's a relationship, but in preparing a response to that letter, I'll say--

3
4 COUNCILMEMBER LEVENTHAL:

5 Rollin, no relationship.

6
7 ROLLIN STANLEY:

8 No relationship? OK.

9
10 COUNCILMEMBER LEVENTHAL:

11 I don't know what letter you're referring to, and it's not connected to any mail you may
12 have received. I haven't written to you about this, and I don't know who has, so--

13
14 ROLLIN STANLEY:

15 OK. There was--we retained a public outreach person specifically for the reason, one of
16 the reasons you've mentioned. We did not want to hold the outreach session. We wanted
17 someone who knew nothing about the zoning code to come in and facilitate meetings with
18 different groups, and we held 14 of those sessions last fall. The 78-page report from
19 detailing all those discussions is on our web site, and that was how we got this process
20 started. And that was with users as well as people in the community. Now, we extended a
21 lot of invitations. Did we get a representative cross-section? Different people in different
22 meetings. What we're doing now with the zoning advisory panel, is it's not just the lawyers
23 who helped write the position to where we are today, which we do need. It helps us
24 understand how we got there. There's also new faces on there, such as the head of the
25 architecture school from the University of Maryland, who is not just an architect, but a
26 developer as well. Carl Elefante, who's one of the most renowned architects in the
27 community, who deals in green. Knows nothing about our zoning ordinance. There's a
28 great representation on the committee of folks like that, that are bringing different things to
29 the table, counterbalanced by folks who are quite deeply embedded in the document as
30 well. And as we explore ideas, then we're going to start going back out to get into the
31 community with folks. Now, we also did that with the growth policy. We started with 4
32 general meetings in all 4 areas of the county, and we also had a poll. We've been trying to
33 get people to comment online. You can lead a horse to water sometimes, but you can't
34 make it drink. We were trying as hard as we can to get people to come out.

35
36 COUNCILMEMBER LEVENTHAL:

37 OK. My last question for now will be this. One of your slides talked about some of the
38 public facilities that we need to take into account, and I wonder, because I've been
39 pushing on both of these points for some period of time, what about health facilities and
40 what about houses of worship?

41
42 ROLLIN STANLEY:



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1 Right. Particularly the first point, on health facilities. One of the things we're looking at in
2 that mixed-use zone is one of the floor area bonuses would be for community services.
3 Libraries, health clinics, et cetera. And I can tell you, I've done this myself. When a new
4 condo gets in, if you can get a 5,000-square-foot unit on the ground floor and turn it into a
5 community health clinic that's donated to the community, where you're not paying admin
6 fees on, that's a huge asset that becomes a real anchor to a small neighborhood. These
7 are the kinds of things we have to start trying to do. With respect to places of worship, I'm
8 not sure exactly what you're referring-- thinking of.

9
10 COUNCILMEMBER LEVENTHAL:

11 I've been saying for quite some time, as Chairman Hanson knows, that adequate space
12 for where people can pray is every bit as much of a community need and a community-
13 serving requirement for adequate space, and when you're considering density, are we
14 ensuring that that's an amenity that can be available as well?

15
16 ROYCE HANSON:

17 I think this is a very important point. Even longer than you've been dealing with this issue,
18 I've been dealing with it when I was involved with the new towns movement many years
19 ago, and aside from the work that Jim Rouse did in the planning for Columbia, where he
20 made specific provision for places of worship. Generally, planning historically has not paid
21 enough attention to that, and one of the things that I found most amusing when I was
22 working on new towns is none of them plan cemeteries, which--

23
24 COUNCIL PRESIDENT ANDREWS:

25 That's a predictable need.

26
27 ROYCE HANSON:

28 spoke well of the immortality of the work they were doing. But these are important things
29 that need to be provided for in plans and in zoning codes.

30
31 ROLLIN STANLEY:

32 That's interesting. I've never seen--I've seen it done through parking, but not through floor
33 area bonuses, that sort of thing. That's interesting. I'm just questioning it. I don't know if
34 enough legal structure here to know if that's a legal issue.

35
36 COUNCILMEMBER LEVENTHAL:

37 We've seen that for some time. The difficult--I'm not necessarily recommending a density
38 bonus for a house of worship. I'm only saying that as you're mapping out what these
39 dense, urban, core communities are going to look like, and you're planning for a
40 multiplicity of new housing units, the people who are going to live in those housing units
41 are going to look for a place to pray. And as we drive up land values, we are pricing out
42 this necessary facility, which is as necessary as some of the other things we're making



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1 allowances for, and yet, we tend to forget about it and then they--and then the religious
2 institutions come to us and say, "You made no provision for us and we can't afford any
3 land." And therefore the transportation patterns are going to be disastrous, because you're
4 going to have people, as they do now, driving from the dense urban cores of Silver Spring
5 and Bethesda out to Urbana or Carroll County, because that's the only place they can get
6 to a church, because we priced the churches out of the real estate market.

7
8 **ROLLIN STANLEY:**

9 This actually came up when Royce and I did our presentation in Olney, and it was an
10 interesting time, because the same day, "The Washington Post" did the article about
11 churches moving into abandoned strip malls, where there were vacant stores and things.
12 It's actually been raised by the community. It's an interesting point.

13
14 **COUNCIL PRESIDENT ANDREWS:**

15 Thank you, Councilmember Leventhal. Councilmember Elrich.

16
17 **COUNCILMEMBER ELRICH:**

18 The discussion you have is going to be very interesting, particularly as it relates to the
19 growth policy. I mean, the concerns I hear from people are, there's too much focus on
20 treating nodes for development, some people who aren't here, at the expense or without
21 regard for existing surrounding communities. And I think that there remains a really
22 serious question. I think that the idea that you're building only on top of Metro, and that
23 somehow the assumption is, "If I put apartment buildings by Metro or I put apartment
24 buildings in downtown Silver Spring," that everybody has either hopped on the Metro or
25 gone to work in the neighborhood is just not true, and it's not borne out by facts. And so,
26 that you're still left with a large population, regardless of how successful you are, that's
27 doing something different that we prefer for them not to be doing probably, which is
28 driving. And I think you're going to be hard-put to come up with a formula that, on the one
29 hand, that tends to address the adequacy of facilities, and then trumps any evaluation of
30 facilities' adequacy by just saying, "It's near a Metro stop." And I think we're going to have
31 to do a little bit more than that. And we've had some conversations about other ways to do
32 things. Also, and I know you've talked with some folks who are involved with the Howard
33 County development process. You and I have both had, you know, some of these
34 discussions, and I think that's a really fruitful avenue for the planning board to pursue, is to
35 look at the approval processes that are used in jurisdictions around Montgomery County. I
36 was struck, when I saw the chart of how they do things in Howard County, and how they
37 do things in Montgomery County, that it was little wonder that it took longer to do things
38 here, and little wonder that people aren't quite sure how-- what's the result's going to be,
39 since there are so many different opportunities for people to get bites of an apple that
40 aren't afforded, you know, for example, in Howard County. So I hope that we're looking
41 really closely at that. That seems to be one area that we could make a lot of effort in



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1 improving our processes on without shortchanging public input or, you know, violating
2 your efforts to get the best possible designs.

3
4 ROYCE HANSON:

5 We are. As a matter of fact, I had a conversation with some of our staff this morning on
6 another matter dealing with a pending issue, and one of the problems that exists now is
7 that the zoning code is so complex that it really is a major factor in slowing down the
8 process, because there are so many conflicting, overlapping, and contradictory provisions,
9 that, as one goes through it and as our staff, as the applicants' legal team, and as the
10 specialists, who are opposing or criticizing the project, go through it, everybody is finding
11 their favorite little provision somewhere else in the code. And this is a key element, but I
12 agree with you. We are looking at ways to improve and reduce the time involved in the
13 process. It's gotten far too long.

14
15 COUNCILMEMBER ELRICH:

16 And I think the other things we're going to have to address, and this is going to probably
17 give everybody who has to deal with it heartburn, is the issue of lead agency, because it's
18 one thing, you know, in listening to other people describe processes beyond the county, it
19 seems to be very--it was more effective in the other systems, when everybody has input,
20 but there's somebody ultimately who makes a decision, and that there's--with the lead
21 agency things can move forward with some certainty rather than having very many
22 opportunities to reassert what you didn't get at one meeting, to try to bring it in at another
23 meeting. And I've heard descriptions of people trying to satisfy one set of comments, only
24 to dissatisfy a previously favorable set of comments. And that's got to be frustrating for
25 everybody, and it seems to me that also it contributes to the workload of your planning
26 staff, which, if they were not perpetually engaged in, what seemed to me, often internal
27 battles over what the right interpretation is, could actually be more engaged in doing
28 some, you know, more rapid work, you know, more extensive work. I could think of a lot of
29 things people could do other than continually revisiting and arguing with each other about
30 which way to go. So I hope that you all make that a priority. That seems like almost the
31 easiest piece to bite off, once you just resolve the issue among the executive and you
32 over who should be the lead agency.

33
34 ROLLIN STANLEY:

35 You raise a great point, and it's quite timely. First of all, with respect to the internal
36 discussions, I think we've come a long way in that within the agency. With respect to the
37 external discussions with the other agencies, we now have a system we've just
38 implemented in the last 2 weeks, right? We go to the department heads meeting with a
39 page of the projects which we feel have been or have an issue between agencies. We go
40 in with that list. We hand it out, and within 2 weeks of that meeting, we meet as
41 department heads and go into a room and don't come out until it's fixed. And so, that's the
42 first step we're doing. With respect to the processes itself, and again, I appreciate your



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1 mentioning of Howard County, we ask the--we have a monthly meeting with--I never get it
2 right--the Montgomery building--

3
4 ROYCE HANSON:
5 Industries.

6
7 ROLLIN STANLEY:

8 Yeah, I never get their name right. We have a monthly meeting with them, and Rose
9 Krasnow and I said to them a month ago, said, "You don't like the process, go show us a
10 better way." And they brought us Howard County. We've asked them to do more
11 homework. I've asked Rose and others to step outside the building and pretend you've got
12 a brand new day to create a brand new process. Let's look at it from a fresh start.

13
14 COUNCILMEMBER ELRICH:
15 Good.

16
17 COUNCIL PRESIDENT ANDREWS:
18 Thank you, Councilmember Elrich. Councilmember Knapp.

19
20 COUNCILMEMBER KNAPP:

21 Mr. President. As always, a fun thing we do every 6 months, and it never lends itself well
22 to good communication. But I appreciate we've had a lot of discourse in other places, and
23 so I appreciate the willingness of this board and the staff to be accessible and to have the
24 conversations, and I would urge my colleagues to do the same. Kind of a mixed bag of
25 issues. First, kind of building on Mr. Elrich's comments. You know, this would seem to be,
26 as I know that you're probably aware, but a logical time for us to begin to try and retool.
27 Things are as quiet now as they've probably been, and I recognize that ????? and others
28 are busy doing things. We're doing a lot of master plan things, but as far as process, there
29 aren't a lot of new applications coming in, so if there's a way for us to figure how to get
30 things retooled now in the next 12 to 18 months, that presumably, when this issue resides
31 as it relates to the economy, if it ever resides, then we'll be in a position to be more
32 straightforward and have a much clearer process, and everyone can take advantage of it,
33 as opposed to kind of starting out where we ended up. So, hopefully that'll be what we can
34 work toward. There was an interesting article in the paper last week or the week before,
35 looking at some of the issues that Arlington is confronting as it has tried to do its mixed-
36 use developments, many of which people look toward as an example of doing it well, but
37 one of the things they ran into was, in a time of economic downturn, when all you have is
38 first floor retail, and there isn't any retail, that's just a lot of empty first floors. And so, to the
39 extent that we're doing the zoning ordinance rewrite to the extent we built the level of
40 flexibility in that we need to that allows us to make modifications, since they're going back
41 now and trying to refigure out how to do that, given what they currently have on the
42 ground.



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1
2 ROLLIN STANLEY:

3 That's really easy, actually. What we've done in the past in places is you allow that
4 flexibility in your zoning, but when the buildings come in through site plan, you make sure
5 that the ground floors are designed in such a way that the uses can adapt. So, I can show
6 you lots of examples of condominiums, for example, that had units of grade, but over time
7 they changed into commercial uses.
8

9 COUNCILMEMBER KNAPP:

10 Sure. No, and I just want to make sure we get that. I think it was an interesting point to
11 read that they hadn't really taken it into consideration, so hopefully, we can learn from our
12 neighbors' learnings. Kind of building on Mr. Leventhal's point, the element of kind of the
13 new vision. I liked your editorial. We've had a lot of conversations about kind of where we
14 need to go as a county as we grow differently. And I think, to Mr. Leventhal's point, we
15 have a unique opportunity right now to talk about why these--why where we need to go
16 differently is going to be so beneficial. As I think everybody else here has read, you know,
17 Tom Friedman's latest book, "Hot, Flat, and Crowded," we actually have people that are
18 listening. Global climate change. I thought your curve was very interesting that you
19 showed. But the challenge, I think, to us is, if we talk about it in the terms of land use and
20 zoning, most people tune right out. They don't understand what that means. But if we talk
21 about, you know, what happens if we keep things the way they are, especially when we
22 talk about global climate change and those types of things, and what are the potential
23 downfalls with that, that really staying where we are isn't an option, and so, then, what are
24 the benefits to going to a new model, and what does that new model look like? And not
25 just what are the climate change elements, the green elements, that are there, but why
26 does it change quality of life? How does it improve quality of life? So people see the
27 contrast of kind of where we are, the congestion, you know, things that we hadn't
28 necessarily accounted for in the past, and begin to kind of contrast that with other things.
29 And not that density for the sake of density gets you a better outcome, because it doesn't.
30 But if that, in conjunction with looking at new pedestrian access, new transit access, all
31 those kinds of things, come together to ideally create a different environment. I think that's
32 going to be important for us as we--we have to educate people along the way, and how do
33 we talk about it differently in ways that they're going to understand? Because, before I
34 took this job, if you wanted to talk about land use, I wouldn't have had much of a
35 conversation with you, because it just wasn't something that was relevant to my life. But if
36 you can talk about the other pieces, I think that people start to get it, and I think that's what
37 we need to try and think about, is how do we package it in that context as well. Then, the
38 other piece is, as it relates to master plans. I see the mayor of Kensington, who is here. I
39 know there has been--are we doing this now? Oh, I saw the parks piece up there, and so I
40 wasn't sure if we were moving on to--
41

42 COUNCIL PRESIDENT ANDREWS:



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1 Let's hold off on the master plan schedule for a little bit.

2
3 COUNCILMEMBER KNAPP:

4 That's fine. No problem. Then I don't think those are my pieces, so, thank you. And the
5 other thing, I very much appreciate the more succinct report. We had these broad reports
6 that, you know, spent a lot of your time and, unfortunately, didn't do a lot on this side
7 except collect more dust, and I think to get it more narrow, more concise--

8
9 ROYCE HANSON:

10 We appreciate it, too. I think it helps us focus what we need to really talk with you all
11 about.

12
13 AMY PRESLEY:

14 I just want to comment briefly, Councilmember Knapp, on your comments, because I think
15 you're right. It's--there is a recognition, commission-wide, of the need not just for a new
16 topic of conversation in Montgomery County, but a whole new conversation, and that is, I
17 believe, what Rollin and the chairman have been trying to do with the meetings, is trying
18 to establish a vision with new people that's more inclusive, but while retaining the benefit,
19 more of the functional aspect with those people who do have the experience with, you
20 know, the dirty word "zoning," you know, and the code. And I think that's a tricky thing to
21 do, because the regulars have their sets of fears, which have built up over time, and the
22 new folks don't even know the lingo. So it's kind of pulling all that together so we do get a
23 true representation. And this is a good time to do it. And I think, already, just from what
24 I've seen, people I know who have called in fear saying, "Oh, no, what's this new thing
25 coming down the pike?" As I have tried to relate to them more from the terms that you're
26 discussing, they're open to that new conversation. So I think it's going to take some work,
27 but I'm confident that that is where we're headed.

28
29 COUNCIL PRESIDENT ANDREWS:

30 Thank you. Councilmember Ervin.

31
32 COUNCILMEMBER ERVIN:

33 Thank you. I just wanted to follow up on Councilmember Leventhal and Knapp's points on
34 community engagement. And it's been very frustrating for me, these going on 3 years on
35 the council, that the paradigm that we've set up here in Montgomery County is that the so-
36 called "community," whoever you see them as, are the same ones today as they were 25
37 years ago. And so, I'll give you 2 examples. One, in the Langley-- the sector plan, the bi-
38 county sector plan and the International Corridor, I'm meeting regularly with Will Campos,
39 my counterpart in Prince George's County, and it's fascinating when you think about the
40 International Corridor. It's nothing like any other place in the county, and so when you
41 begin to develop a plan around the International Corridor, people there don't own cars,
42 they walk almost every place they go. But the needs culturally of that community are so



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1 different that it's really going to be very difficult to get your arms around how we will
2 proceed in an area that really has no boundary. And there's a lot of frustration when you
3 talk to the people who actually live there about their lack of ability to engage. That's one
4 example. Second example. I see David sitting over there from Parks Department, and he
5 and I and my staff have been engaged in conversations in the community about
6 community gardens. I spent some time in south Silver Spring at the Eastern Cohousing
7 Building, and it's very fascinating, as were all these new condominiums are coming online
8 in south Silver Spring, the new demographic is younger and more willing to give up certain
9 things to get what they want. So they don't mind density as long as you described, Rollin,
10 that everything that they need is close by, so that they don't necessarily need a car. But
11 they need other amenities. And so, during the conversation about the Purple Line, this
12 was the first time in my experience in public office that I actually saw a community
13 engagement piece that was very different from what I'd seen in the past. There were
14 meetings in apartment buildings, people asked their opinion about what they thought
15 about the transit line. These people sort of reflected the new demographic in Montgomery
16 County. It is very, very frustrating as a public official to sit here and know that all these
17 decisions that get made, that are critically important decisions for 50 years from now, are
18 being made by a very small handful of people. And I think that it behooves us to spend as
19 much time as possible making sure we get this right, because these folks are going to be
20 the ones living in these communities that we build. So I just wanted to say that I think that
21 George, that was his point. I wanted to underscore it. I also know, you know, I haven't had
22 any time to do this, but I know a lot of the civic organizations have bylaws that actually
23 exclude people who don't live in houses. I don't know if you know that. But if you look at
24 some of these bylaws, it's very exclusive of people who aren't homeowners. So if we can't
25 change the paradigm all the way, we're only doing it part of the way, then we can't talk out
26 of both sides of our mouths when we talk about engaging the community, when it's almost
27 set up to have tiers of community. So, I just wanted to state that and recognize how I
28 know how difficult this is going to be as we move forward. And then I wanted to ask a
29 question about something else you brought up, totally off this subject for a second, and
30 that is, these meetings at MNCBIA, are they publicized on the web?

31
32 ROLLIN STANLEY:

33 I actually don't know the answer to that, but I'll look into it. I really don't know.

34
35 COUNCILMEMBER ERVIN:

36 All right.

37
38 ROLLIN STANLEY:

39 But I'll take a look into it.

40
41 COUNCILMEMBER ERVIN:



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1 OK. And finally, to wrap up my point about community engagement, there are folks who
2 are really thinking about this outside Montgomery County that are doing a much better job,
3 in my opinion, of really doing the really hard work. It takes a lot of hard work to engage
4 communities that have been locked out, left out, however you want to describe it. But you
5 all, with our help, we're going to have to figure this out.

6
7 ROYCE HANSON:

8 Just to mention a couple of things. One, you mentioned both Purple Line and Takoma-
9 Langley. In there, we did get, I think, some very useful engagement with people who
10 ordinarily had never been seen at other kinds of meetings, and this was really very
11 rewarding. One other thing that is important. It's fundamentally a budgetary and staffing
12 issue, but we did develop, almost 2 years ago now, I think, a sort of toolbox for the use of
13 our community planners, to help them understand how to broaden the engagement of the
14 community. Now, one of the things that has happened also in the meantime is that we lost
15 our specialist in this area, who had more language skills. Now, we do have members of
16 our staff who have language skills that bring people in that otherwise would not be
17 included. And this is something we have to just keep constantly working on, because it
18 really is important, and just as in the school system and in other parts of the county
19 government, where the need is to broaden the engagement, language skills are a very
20 important part of that. One other thing that we've been doing is also using some of our
21 contacts that we have in the Parks Department to get people to come to meetings about
22 planning as well.

23
24 COUNCIL PRESIDENT ANDREWS:

25 Thank you, Councilmember Ervin. Councilmember Floreen.

26
27 COUNCILMEMBER FLOREEN:

28 Thank you. Just a couple of things. Rollin, I thought that was a great set of slides. Could
29 you make sure that we all have them? I don't think that they're in this packet, the backup
30 material, and some of the data I think is helpful as we talk to the community about these
31 issues.

32
33 ROLLIN STANLEY:

34 I'll send you the full 2 PowerPoints that were condensed into that one. They're actually
35 online, but I'll send--do you want electronic or paper?

36
37 COUNCILMEMBER FLOREEN:

38 Electronic is fine.

39
40 ROLLIN STANLEY:

41 OK.



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1 COUNCILMEMBER FLOREEN:

2 Thank you. I've heard a lot of--a fair amount of the same kind of concerns Mr. Leventhal
3 was describing, and, you know, the thing is, you got a lot going on. We know that and you
4 know that, and between the growth policy, the zoning ordinance rewrite, and some of
5 these master plans, which are really kind of big things, and I would urge you as you work
6 with community members, to talk about what are ideas on the table, just to talk about.
7 What are future thinking, and what is designed to apply when all this gets done. I suspect
8 the main thing would be the growth policy in terms of changing existing rules, if that's what
9 you're proposing. But, you know, a lot of folks have fought these wars for 30 years,
10 whatever, and are a little concerned that some of, you know, the footnotes are annoying to
11 some, but to others they reflect a year of argument, a resolution. And they've had their
12 value over time, and I think I would bet that your focus is on the future, the new stuff, the
13 new communities, reinvestment issues, redevelopment issues, and the like. Not so much
14 to redefine the rules for all existing communities. Maybe you are, but I'd be kind of
15 surprised. And if that is the case, I would encourage you to make that part clear, that the
16 intention here is not to rearrange every deck chair, that existing communities can expect
17 existing protections or some amount of predictability there, because I think that is what
18 may be rattling some chains unnecessarily. And I've been explaining to people that these
19 master plans are really long-term visions, and I think it's important for that to be part of
20 your conversation as well. People tend to, you know, they read a story in the paper, and
21 they say, "Oh, my gosh, the sky is falling." And it's our job and your job, I think, to tell
22 people, "Well, this is a goal to a certain degree." We're talking 20, 30 years vision, how a
23 community may evolve, and to the extent you believe that, I think we all can do better job
24 of explaining that to the community at large. I think one of the challenges is that your
25 process is so inclusive and transparent and all that sort of thing, it's the one thing
26 everyone can follow. And there's a lot to follow, so I think part of being clear about what
27 the parameters of the conversation are may help in this regard. I think people who have
28 devoted years of their community activity to following these issues need to know that their
29 work has not gone unnoticed or unvalued, but there are future issues to be addressed,
30 and somewhat different approaches. I think that may help a little bit in terms of some of
31 the community perception out there. Thanks.

32
33 COUNCIL PRESIDENT ANDREWS:

34 Thank you, Councilmember Floreen. Council Vice President Berliner.

35
36 COUNCIL VICE PRESIDENT BERLINER:

37 I always love listening to my colleague from District 5 talk about the new demographics. I
38 know it will come as a great shock to her. I represent the old demographics, and I
39 represent communities that are, I don't believe, struggling with the new paradigm. I think
40 there's an intellectual acceptance, really, broadly, with respect to the new paradigm. What
41 there is, is there's fear as to how that new paradigm will affect older existing
42 neighborhoods. And the bargain that must be struck here is, somehow embracing the new



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1 paradigm that protects existing neighborhoods. I'd be grateful for you to give expression to
2 how you plan to do that.

3
4 **ROYCE HANSON:**

5 Well, I think there are several aspects of that. One is simply recognizing in growth policy,
6 in master plans that we produce in the character of the zoning ordinances as it ultimately
7 unfolds, that conservation of existing neighborhoods and communities is a very important
8 goal of the planning system and of planning policy. There's a general rule that you
9 shouldn't mess around with stuff that works, and many of these neighborhoods work very
10 well for the people that live in them and the people who will live in them in the future. One
11 of the things that we've looked at--and some of this will be addressed also, I think, in the
12 housing element of the general plan that's coming forward, because whereas not only in,
13 you know, good housing ultimately requires good neighborhoods. The other thing that
14 we'll be addressing in the plans that will be coming before you, and you'll be seeing in the
15 next few months, and 2 in which we're currently, in beginning work sessions on one, and
16 in the sixth of what we thought was going to be 5 work sessions, and is going toward 8, is
17 looking at how new areas, and areas around transit stations, for instance, impact the
18 neighborhoods that are adjacent to them, so that they actually can work to enhance the
19 quality of the neighborhood without--or the quality of life of the people that live in the
20 neighborhood, without changing the neighborhood. Now, that isn't to say that there won't
21 be some impacts that some residents will regard as adverse, and some that people will
22 celebrate. But, again, the point that Councilmember Floreen made is an important one
23 also, and that is that the plans that we're bringing to you have long lives. I was involved,
24 as many of you know, with some of these very early central business district plan. In fact,
25 with all of them. And Bethesda, for example, which you represent, was first planned in
26 1974 or 1975. It isn't built out yet. So one of the elements of this is the point of getting
27 across that the--the vision for an area will develop over a long time. And that as it
28 develops incrementally, there will also be adjustments made to it, as well. One of my
29 mentors used to say that good planning is improvisation on a general sense of direction,
30 and he didn't mean that as a joke. We do have to get smarter as we go through this
31 process and learn from both process and substantive mistakes or misjudgments that
32 we've made and be willing to admit to them and correct them. And that's part of the
33 process, also, and in meeting with some of the folks from neighborhoods surrounding one
34 of the places that we're planning now, I tried to emphasize that we really wouldn't be worth
35 the powder to blow us up if we didn't learn from some of these past mistakes and to
36 recognize that and to realize the importance of providing a good environment for the
37 neighborhoods that exist. They're part of the process. They're not really something
38 separate from it.

39
40 **COUNCIL VICE PRESIDENT BERLINER:**

41 I appreciate that answer, Mr. Chairman. I know you are sensitive to it and I know your
42 colleagues are sensitive to it, but that is ultimately where the pushback comes. And so to



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1 the extent to which--and I know my colleague--I mean, we've only got really 2 major
2 issues. You have to show us how we are, in fact, through the additional density, taking
3 cars off the roads. So what are we doing for bus rapid transit or otherwise? And so my
4 colleague has expressed on a number of occasions if you look at Rockville Pike, and you
5 look at this as a "urban center," it's not an urban center. It's a node, and, therefore, people
6 are moving through that community. And so how are we--is White Flint truly an urban
7 center? And if it's not, if it seems to be halfway in between an urban center and a node,
8 and so how do you address so that we're taking cars off the road in an effective way? So
9 traffic is the pushback.

10
11 ROYCE HANSON:

12 One of the things that Councilmember Knapp and I have talked about--and I hope that you
13 all will agree to it-- is that as we get into particularly the White Flint plan, which is probably
14 the most significant of these, that the Board and the Council should take a field trip to look
15 at Ballston and Clarendon and some of the sites that have been developed in the area to
16 get a--and also to not just look at them, but to talk to the public officials there who have
17 been involved in their design and development. We hope we're learning from that
18 experience, and the experience of other places around the country and around the world,
19 of how to do this well. But I think all of this--and my Board colleagues may want to
20 comment on this, too, because John has been looking at these issues for a long time, and
21 Amy has experienced them and is now looking at them from our side of the table. The--is
22 just trying to learn and get a feel for what works. Because trying to communicate that
23 without people seeing it makes it very hard for it to be believable, and that's one of the big
24 issues that we're confronting. TRB, the Transportation Cooperative Research Board, just
25 issued a report on parking around--in transit-oriented development, for example, which is
26 really a very good study. And they used some Montgomery County sites along with a
27 number of others in this metropolitan area in their study. And I think it provides a very
28 good basis on a research side for making some important changes in the parking
29 requirements that we have. But explaining that to people as a piece of research and
30 findings is one thing. Having them see a place where it has actually worked is probably a
31 lot more important. John or Committee?

32
33 COUNCIL PRESIDENT ANDREWS:

34 OK, thank you. All right, I think we should now go to the Master Plan schedule. And let's
35 talk about that, and then we'll finish up with the Department of Parks and the good news
36 that they have to share in some of the savings there on operating efficiency. So, Marlene,
37 do you have any comments that you want to make about the Master Plan schedule?

38
39 MARLENE MICHAELSON:

40 Yeah. If you look at page 2 of my memo, it summarizes both the schedule you approved
41 at the last--or that was submitted, the last October report, and the one that's
42 recommended here. And I just want to emphasize that the dates you see here are the



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1 ones where it is expected that the Executive will transmit it to us, and that we would then
2 have a public hearing one month after receipt of those. And I did want to note that there
3 were some concerns that the Council had expressed at the last Semi-Annual Report
4 meeting about the schedule. The changes that you asked for for the most part are not
5 reflected in this schedule. So to the extent the Council's still concerned about that, you
6 may want to talk about it. I did want to highlight a few issues, one being that 2 of the plans
7 have slipped, and that being Kensington and also Takoma/Langley. Or rather, the
8 Kensington plan has been moved from December to February, and my sense is that
9 would essentially mean that this Council would not be able to do it. It would be bumped
10 over to the next Council. So even though it's only a 3-month delay, in reality, getting it at
11 such a late date would probably, if it doesn't come to us until February, mean this Council
12 would not start work on it and we'd have to wait probably until the new Council's in office.
13 And that's simply because if we get it in February and have a hearing in March or April,
14 you probably won't start work sessions until June. And I don't think it would be possible,
15 and we have never had a Master Plan and Sectional Map Amendment occur in basically a
16 4-month period.

17
18 ROYCE HANSON:

19 We'll do our very best to get that to you on the earlier schedule so that you can. We've
20 been working closely--we're going to have our first briefing on the preliminary
21 recommendations of the staff quite soon on this, so I think we're--we're on schedule. This
22 was our conservative guess. And so we'll make a--a liberal guess and try to get it to you
23 so that you can do that.

24
25 COUNCIL PRESIDENT ANDREWS:

26 Good, good. Glad to hear it. Councilmember Ervin?

27
28 COUNCILMEMBER ERVIN:

29 So are you saying I don't need to make any comment about the fact that Kensington will
30 be pushed back and Takoma? You're going to take care of it? I just need your assurances
31 that--because Mayor Fosselman from Kensington is sitting in the audience. As you know,
32 his town--

33
34 ROYCE HANSON:

35 He keeps hovering.

36
37 COUNCILMEMBER ERVIN:

38 They pay to have this done on time. So he's back there hiding.

39
40 ROYCE HANSON:

41 Yeah. We want to keep Peter happy.



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1 COUNCILMEMBER ERVIN:

2 So we have your assurance, then, and I don't have to come back at another time?

4 ROYCE HANSON:

5 Right.

7 COUNCILMEMBER ERVIN:

8 OK, very good. I also have another comment about the community garden pilot project,
9 and I want to thank you, Chairman Hanson, for all your hard work on this. And Mary
10 Bradford and your team, some of whom I've been working with closely, and we're very
11 exited about the prospects. I understand that the e-mails are coming in fast and furious
12 from all over the county from neighborhoods that want these community gardens. Now,
13 we--

15 ROYCE HANSON:

16 Our biggest problem is keeping it a pilot to start with.

18 COUNCILMEMBER ERVIN:

19 Keeping it a pilot. And as a matter of fact, we're going to have to talk to you about this. But
20 the one we're looking at in North Takoma Park may have to come off the list for various
21 reasons. But again, this conversation we were having about the community and who
22 speaks for whom, there are many people in North Takoma Park who do not really
23 appreciate having gardens sharing the green space. So we may have to look in other
24 neighborhoods, which we're willing to do. I have a letter coming out that you'll be receiving
25 shortly about that one. But we're just really thrilled that you all got up to speed and you ran
26 with it, and it's a very exciting proposition. You know, Michelle Obama--we're going to try
27 to get Mrs. Obama to come out when we do the ribbon-cutting because of her work on the
28 Capitol grounds, working with the parks in Washington, D.C., to build community gardens.
29 So we know that this is where many people in our communities would like to see us, and
30 we're there. And so I appreciate all your hard work. And for the mayor of Kensington, I'm
31 glad you are here. You heard it yourself, and so we'll move on. Thank you.

33 COUNCIL PRESIDENT ANDREWS:

34 OK, thank you.

36 MARLENE MICHAELSON:

37 Just to continue on the Master Plan schedule, I just wanted to also highlight that you'll
38 continue to have a large number of plans come to you in the fall of 2009. The Council
39 always does Master Plans sequentially, so we're going to have to deal with an issue of
40 having a large number of them come at the same time and work on the scheduling. And I
41 think for the same reasons that the Council was concerned in the fall, that will still be an
42 issue. I did what to highlight that there are--



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1
2 COUNCIL PRESIDENT ANDREWS:

3 This Council's a very efficient council, though.

4
5 MARLENE MICHAELSON:

6 Ah, OK.

7
8 ROYCE HANSON:

9 We wanted you to share our joy of working simultaneously on several--

10
11 MARLENE MICHAELSON:

12 I did want to highlight there are a couple of new plans, planning efforts, here. One is the
13 Route 29 Corridor Mobility and Land Use Plan. I think it's something the Council's
14 discussed. It makes sense to me to add it to the Master Plan work schedule here.
15 Glenmont's been removed. I would suggest that needs to be added back, not necessarily
16 in this chart, but shortly after. And also, there's a Purple Line Station Area Master Plan,
17 and I mention this because the T & E Committee had already taken a position suggesting
18 that this not be done at the current time. And I want to propose an alternative, which is
19 rather than attempt to do the entire Master Plan for the Purple Line for land use issues,
20 that we do limited Master Plan amendments to focus on areas where the Planning Board
21 and Council feel there needs to be attention. So for example, I think there's general
22 consensus that in the Long Branch area, there are some positive improvements that can
23 result from this. That would be a good opportunity. There are some areas where there's
24 no intent to make any change in land use and we may want to confirm that. But I think it's
25 premature, as the T & E Committee suggested, to take on a major planning effort to look
26 at all of the station stops, and I think the Chair expressed that they would be fine with this
27 alternative approach.

28
29 ROYCE HANSON:

30 It's important, I think, to let people know where changes are not going to be made, also.

31
32 MARLENE MICHAELSON:

33 And that concludes my comments.

34
35 COUNCIL PRESIDENT ANDREWS:

36 All right. All right, go ahead, Councilmember Ervin.

37
38 COUNCILMEMBER ERVIN:

39 I just wanted to make sure that, Marlene, I heard this correctly. And so there's no mention
40 of Site 2 in the--on page 2, there's no mention of that in the work plan? Is there going to
41 be some conversation about that?



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1 MARLENE MICHAELSON:

2 Well, we haven't had the definition yet of what the scope is of the Route 29 Corridor and
3 Mobility Land Use Plan. So I'm not sure what that includes or does not include yet, and I
4 don't know if the Planning Board is. I think that's probably the first part of their planning
5 effort--really define the area.

6
7 ROYCE HANSON:

8 The first part is to scope it out.

9
10 COUNCILMEMBER ERVIN:

11 So in terms of a timeline, when you say "scope it out," what does that mean?

12
13 ROYCE HANSON:

14 Well, if we begin work in November of 210, that's when the scope presentation to the
15 Board would have to be made.

16
17 ROLLIN STANLEY:

18 The concept right now, Councilmember, is to look at the Corridor in its entirety, in its
19 potential for bus rapid transit, and how that links into the things that are generating the
20 transportation demands now, like Site 2.

21
22 COUNCIL PRESIDENT ANDREWS:

23 OK, thank you, Councilmember Ervin. Councilmember Knapp?

24
25 COUNCILMEMBER KNAPP:

26 Thank you, Mr. President. I appreciate the previous conversations on the Master Plan. I
27 have an issue that we just found out about late last week that I will need to present to my
28 colleagues and ultimately to the Board. It seems to me we're doing a doing a lot of historic
29 preservation work, and we did the Goshen/Damascus resources, I don't know, 3 months
30 ago. And in the course of doing that, there was a section that we addressed--Woodfield
31 Historic District--and I'm looking to Mr. Elrich because I know he'll recall this. It was a
32 district in which there were a series of properties that had been designated, and what the
33 Committee did was because there were something--it wasn't clear that we wanted to
34 designate all of them. There were some properties that got pulled out. In pulling out some
35 of those properties, it broke up the adjacency of the historic district. And so as a result of
36 that, as I understand it, and Mr. Zyontz can jump in and correct me if I screw this up, there
37 were some properties that were originally in the broader historic district as just supporting
38 resources. Once we pulled out the adjacency of the district, these properties then became
39 individually designated. If they were viewed on their own rights or on their own merits,
40 they would not have been designated as historic. They were only there in the broader
41 district as historic resources. So now those property owners-- one in particular who
42 approached me last week, trying to have work done on their home--are now captured with



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1 a higher level of stringency as what they can or cannot do to their home because it's now
2 individually designated as opposed to have just been a supporting resource in a district.
3 As I understand, they have gotten feedback that if this property had gone forward by itself,
4 it would never have been designated. I understand there are a couple of properties that
5 could potentially have fallen into this category. Unfortunately, when we did this in
6 committee, that distinction was not something that was made to the Committee, and so
7 ultimately it was never made to the Council. So there may--we're still trying to see what
8 other property this might affect. And so it may require us to actually--the only way we can
9 fix it is to then amend that Master Plan yet again. So--but since this just came to my
10 attention on Thursday, I would ask my colleagues' indulgence to let me assess what the
11 other properties may be with historic preservation staff, and then we can potentially put
12 together a modification as a small amendment. And we'll see what the timing may be and
13 what will be required to follow up with Park and Planning to see what our next steps would
14 need to be. OK?

15
16 COUNCIL PRESIDENT ANDREWS:
17 OK.

18
19 COUNCILMEMBER KNAPP:
20 OK, thank you.

21
22 COUNCIL PRESIDENT ANDREWS:
23 All right, did you have any comments about the schedule?

24
25 COUNCILMEMBER KNAPP:
26 No.

27
28 COUNCIL PRESIDENT ANDREWS:
29 No. OK, all right. OK, um, what is your-- I have one question. That is, what is your
30 expected date now for sending the Gaithersburg West Plan to the Executive?

31
32 ROYCE HANSON:
33 What? Third week of July. That's assuming that the work sessions just go really smoothly.

34
35 COUNCIL PRESIDENT ANDREWS:
36 ...every confidence.

37
38 ROLLIN STANLEY:
39 I would add that we have been working with the County Exec ahead of that plan, as well
40 as White Flint, to ensure that when they get the plan, they're already running with it and
41 know everything that's going on. And, in fact, I got a commitment from County Exec's



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1 office to turn that around in 30 days. And they certainly--we will have done enough
2 groundwork with them going in that that should be quite feasible.

3
4 COUNCIL PRESIDENT ANDREWS:

5 Thank you. OK, let's go on to the last area, which is the Department of Parks and the
6 report there.

7
8 ROYCE HANSON:

9 We wanted to show you this, and I asked Mike Riley to run you through the PowerPoint. It
10 was presented to the Board recently. We thought it was really quite a good piece of work
11 and wanted to share it with you. So, Mike?

12
13 MICHAEL RILEY:

14 Good afternoon. Again, Mike Riley, filling in for Parks Director Mary Bradford who's
15 overseas celebrating the birth of a granddaughter. 10 pounds, 2 ounces, and everybody's
16 doing fine.

17
18 COUNCIL PRESIDENT ANDREWS:

19 Good to hear.

20
21 MICHAEL RILEY:

22 We're going to focus our presentation on one issue. It's good things that we've done to
23 reduce consumption and, most importantly, save money with energy and resource
24 conservation. I'm just going to blast through 2 slides quickly that talk about the other
25 things that are in our booklet. And then our Chief of Central Maintenance, Al, is going to
26 give the detail about our energy successes. In our booklet we highlight what we've done
27 with volunteers. We continue to be very proud of that program and focus a lot of effort
28 there. Again, that fits the area of cost savings. The more people we can get out in our
29 parks doing work for us for free, the less we need in our budget. So we've got more than
30 8,000 volunteers contributing over 70,000 hours of time this year. We also--this year we
31 streamlined the Park Permit Office to improve customer service. We combined our
32 databases so that people can do more of their booking of facilities and programs online.
33 And we've been focusing on making sure our web site is user friendly to the public. We've
34 also, of course, been focusing on reducing our expenditures. We did participate in a
35 savings plan this year. We met that savings plan through our retirement incentive and
36 other spending reductions and a continued focus on just mission-critical work. OK. In the
37 next 6 months our focus is on the Leave No Child Inside program. We're working with
38 Montgomery County Public Schools to get the kids out in the parks to learn more about
39 nature programs and other valuable programs. As mentioned earlier, we're piloting our
40 community garden program. We are continuing to coordinate with other agencies to
41 improve program service delivery, particularly the Department of Recreation. We're going
42 to be managing the return of Sligo Creek Golf Course. We'll be doing a planning effort to



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1 determine the disposition of that property. We are working with the County Executive on
2 the relocation of our facility out of the Shady Grove area in the general concert of the
3 Sector Plan. We are participating with Executive staff on getting as much of the stimulus
4 funding as we can get. We've already submitted 3 grant applications--2 for the police and
5 2 for stream restoration/environmental protection projects. So we're really going after
6 every penny we can and focusing our efforts there. And then lastly, we are working now
7 on identifying alternative options for Silver Place and plan to have that discussion with the
8 Council shortly. With that, I'll turn it over to Al to get into energy.

9
10 COUNCIL PRESIDENT ANDREWS:

11 Very good. And we're looking forward to hearing the good news.

12
13 AL ASTORGA:

14 Good afternoon. My name's Al Astorga. I'm the Division Chief of Central Maintenance. At
15 Central Maintenance, we have 2 functions. We have the buildings trades and the fleet
16 management, and part of our responsibility is to do energy management. Back in 1999, I
17 had 2 employees who were very concerned about the rising cost of utilities, especially
18 with the deregulation of electricity--Mr. Bruce Crater????? and Mr. Arnold
19 Ramsamy?????--and they petitioned the Department for a facili--or, an energy manager.
20 And since we couldn't afford that, what the Department did is they gave them enough
21 money to hire a coordinator, a consultant, and to establish an energy committee. And with
22 that, they established 2 programs. They established the energy management program
23 and the recycling program. Those 2 programs went off very well and eventually grew to 2
24 other programs, which were the solid waste management and the water conservation
25 program. And recently we've added a fifth, which is the carbon footprint management.
26 Well, with that, I want to introduce our coordinator of the energy management, Mr. Dick
27 Anderson, who has been helping us and guiding us through this effort, to let you know
28 how we've progressed in this program since we established it in 2003.

29
30 DICK ANDERSON:

31 Thank you. The highlight of the program that we're going to talk about is what we've put in
32 the energy resource conservation program, what we're doing with solid waste
33 management and recycling, the efforts that we have underway with water conservation,
34 and that we've actually titled some of the other catch-all areas into a green parks
35 management program. And what we're highlighting today are the accomplishments of the
36 staff, since 2003 to date, and actually bringing all of these programs forward and
37 accomplishing some significant savings and reductions in usage and in dollars over the
38 last 6 years. Our energy conservation program is always focused on energy awareness
39 and having staff and users of the parks participate in programs to help us reduce energy.
40 We've implemented a series of operations and maintenance improvement practices.
41 We've really focused across the board on the low-hanging fruits--some of those being
42 lighting, lighting controls, temperature controls--and replacing of aging equipment. We've



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1 actively participated in the County program, which has worked very, very well in procuring
2 electricity and natural gas services through a competitive market basis. We have
3 participated in the County wind energy program, and we've begun to implement concepts
4 in how we can use the LEED certification process as the best management tool to guide
5 our efforts as we go forward over the next 6 years. This slide is the most important, I think,
6 for you to see. It's a comparison of our energy consumption from 2004, the first year after
7 we started the program, to 2008, and you can see that we've seen an 8% reduction in
8 electricity, 16% in natural gas, 18% in our water and sewer rates. And propane is actually
9 down 21% mainly because we've been shifting that load over to natural gas. So this is the
10 most important thing for us to look at. We've grown the parts. We've added new facilities.
11 We've added new programs. We've added new hours. But in this course of these years,
12 we've been able to hit the ground running with energy consumption reductions measured
13 in kilowatts, therms, and gallons. This is just a real quick chart of where we started in
14 2003/4, where we are today, what our expectation is, moving forward in 2009 and 10.
15 That was on electricity. This is natural gas and water. You can see we're going in the
16 direction we want to while we continue to expand the Parks' capability to provide services
17 to the citizens. On our energy cost side, for a while we weren't able to really keep up.
18 Costs were really going up dramatically. But in 2006, we were able to really get a hold of
19 it. The procurement program from the countywide effort took hold. And you can see for the
20 last 3 years we basically flat-lined our energy budget overall, and it's starting to show
21 some significant savings. So the cost avoidance, you can see, is anywhere from 1 million
22 to 1.5 million by participating in the programs that the staff have implemented. Not just to--
23 very quickly, we've got a lot of ambitious efforts going, continue more in the lighting. We've
24 actually changed all of our exterior lights to these satellite-linked automatic time clocks. So
25 basically, the sun comes up, the sun goes down, the satellite-linked controls the lighting.
26 We've even gone through and purchased LED bulb exhibit lights for our Brookside
27 Gardens' annual Holiday program, and that's really working well, and I would think over
28 the next 3-4 years that conversion will occur. That's an 80% reduction in energy use just
29 for those kinds of--that program. We've also--the second bullet point--installed a solar
30 powered exterior light for our Black Hills Regional Park Boat Ramp. It was a cost-effective
31 solution. It would've cost us 10 times more to put in standard electrical service. Solar
32 became a really good option for us. We're focused on additional lighting reductions in the
33 Wheaton Ice Rink and Cabin John Ice facilities, and this is the accomplishments that we
34 have completed in 2008. This year we're continuing forward with the same initiatives--
35 lighting, additional LED bulbs, implementing selected water conservation programs. Staff
36 is really looking at how we use LED light bulb technology--comprehensive, but particularly
37 for signage. Now, let's talk about solid waste a little bit. In our first year we weren't into the
38 energy program. We then added recycling. As Al told you, then we said, well, you can't
39 just manage recycling. You got to manage the whole effort. From 2003 to 2008, we've
40 increased our recycling rates by 159,000 pounds. We've increased our yard waste in
41 composting by .5 million pounds. We've increased our recycling rates by 52,000 pounds.
42 We've reduced refuse collection and disposal--that's comprehensive reductions--by 1.4



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1 million. And comprehensively, one of the efforts we've been trying to do is actually reduce
2 total volumes. By reducing total volumes, you actually save more than anything else that
3 you do. This next slide is very dramatic. It shows you where we were in 2002. We were
4 recycling at a rate of 33%. Today we're at 68%. 52% of that is actual real solid waste that
5 we would compare to other agencies. The balance is a comprehensive program for our
6 construction debris that we recycle and reuse throughout the system. Water conservation.
7 Just a highlight of what we're doing there is this year we've installed waterless toilets at
8 places that they really make sense--the Boat House at Needwood, the Black Hills
9 Regional Park, Olney Mills Park. This has all been a really good effort to basically reduce
10 our potable water use in facilities that make sense. We've turned off some meters where
11 we just really didn't need the water. We've identified a number of billing and reading errors
12 and gone back and received credits. And we're really focused over the next 3 years in
13 reducing the consumption in the parks for irrigation. I really think over the next 5 years
14 potable water use for irrigation is going to be a mandate we can't do. So we're really trying
15 to focus ahead of that power curve on what we'll be doing because irrigation is a large part
16 of what we're about in the parks program. We're basically maintaining our position since
17 2006 on water consumption, and it is also reflecting on reductions in our costs. The other
18 effort that we undertook this last year was to really look at our vehicle fleet, try to see what
19 it would take to make it more efficient, and to identify what emission reductions campaign
20 we could put together. We evaluated all of our fleets, both on energy efficiency and
21 carbon emissions. We've developed recommendations to improve by purchasing new
22 vehicles, by replacing vehicles, by looking at fuel options. And we're now developing
23 recommendations that will help reduce overall our carbon emissions. The staff is right now
24 working on the details of this. This chart just shows you where we think we might be by
25 2014. We are at the existing level now where our overall average mileage is 17.9 miles
26 per gallon, 31,000 tons per year. By just implementing the basic recommendations, we
27 can make an improvement in mileage by 16.4%. We can reduce our carbon footprint by
28 15.6%, and this is based on the vehicles that are available today in the 2009 purchase
29 program. Every year the fuel standards will go up, new vehicles will be available, the cost
30 for vehicles will go down, we'll see electric vehicles at some other point. We've identified
31 all those opportunities as opportunities that will help put the program into place by 2014
32 and make improvements. All of our diesel vehicles are already on bio-diesel--20% in the
33 summer, 5% in the winter. We would hope that as those vehicles are replaced, the new
34 vehicles will come out to allow you to run year-round at 20%, so that's a major effort. And
35 you can see in this chart our bio-diesel conversion is 17%. Just in this basic
36 recommendation we will be saving 40,000--40,000 gallons of fuel just by the
37 implementation of this program and actually going to 185,000 of a renewable energy
38 resource. The last initiative that we have underway is kind of taking all these concepts
39 together and starting to blend them into a comprehensive review. We'll be looking at
40 assessing our major facilities to determine how they meet LEED Silver Certification
41 requirements. We may never seek the certification requirements, but we're going to use it
42 as a management tool to look at the best management practices and determine ways we



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1 can go forward. We're going to implement an employee awareness and participation
2 program to let them understand what this whole carbon footprint program's about, and
3 we're going to compare it of what they can do at home and at work. We find that when
4 they put those 2 linkages together, we see some success in the program at work and at
5 home. We're going to implement additional operations improvements. And we're actually
6 right now looking at aggressively how to put new retrofit projects in at our Enterprise
7 Facilities. And we've actually applied for 2 grants through the Maryland Energy
8 Administration and for the stimulus program to help offset some of the cost for those 2
9 lighting projects. We'll be looking at additional water conservation programs. We hope to
10 really implement improvements by 2011. We're looking at the impact of our roofs and its
11 impact on the environment through the heat island effect. And we're establishing and have
12 already underway a green procurement program, but we're going to actually strengthen
13 that guideline to help us overall. Just to summarize, what are our results from 2003 to
14 2008--and actually they're spilling over into the second half of this year--is energy
15 consumption reductions have been overall 16.7%. We've avoided between \$1.3 million to
16 \$1.5 million by implementing those programs, so that's money we haven't had to come to
17 you all for in our budget. Solid waste--overall reductions of volume, 30%. We've increased
18 our recycling rates from 13% to 68%. And we've actually reduced our operating cost on an
19 annual basis 184,000. Water we've reduced 18%. And we've received back credits just
20 from billing errors in the last year and a half \$149,000.

21
22 COUNCIL PRESIDENT ANDREWS:

23 Thank you. I'll keep my comment to one word--excellent. Council Vice President Berliner?

24
25 COUNCIL VICE PRESIDENT BERLINER:

26 Let me just echo I can understand why the Chairman thought that this would be a well-
27 received report. So it is well-received. Congratulations on good work. A couple quick
28 follow-ups. With respect to the fleet, have you looked at a car share program? Because
29 we have, obviously for the County as a whole, been pushing that very strongly, and it
30 appears to be something that our County feels would provide great benefit. Is that part of
31 your program?

32
33 DICK ANDERSON:

34 It's one of the recommendations that we looked at. We're looking at how we manage the
35 fleet. There's a team right now evaluating that for 2 reasons, is to maybe reduce the size
36 of that fleet, make it more efficient, and possibly even setting up our own "smart car" type
37 of internal mechanism to allow staff to use that. But yes, it is a part of the comprehensive
38 effort.

39
40 ROYCE HANSON:

41 In our Central Administrative Services in the Kenilworth Building, also. It's not part of the
42 Parks Department, but they've removed 11 fleet cars and substituted 2 zip cars for them.



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1
2 COUNCIL VICE PRESIDENT BERLINER:

3 Related to that, one of the pieces of legislation that we passed was a requirement that we
4 justify any use of SUVs. Have you gone through that process, as well?

5
6 AL ASTORGA:

7 We're establishing a use--or, a use and a purchase policy for any vehicle that comes into
8 the fleet. The answer is yes.

9
10 COUNCIL VICE PRESIDENT BERLINER:

11 I was just wondering what the answer was. Finally, with respect to your efforts on green
12 procurement, our committee, the T, E & E, Committee, has just been in conversation with
13 our David Dise and others with respect to the need to have a much more robust green
14 procurement policy. To the extent to which you are developing yours, I think it would serve
15 you and serve us well to coordinate with David and see what the best practices are. I had
16 sent them the County of Los Angeles' procurement-- green procurement program. You
17 may have other models that you think are appropriate, but it is something that we are
18 expecting. I believe the commitment from Mr. Dice was that he would be back to us this
19 fall with a new regulatory regime with respect to green procurement, and it seems that if
20 you could perhaps benefit from that conversation, it'd be part of it.

21
22 DICK ANDERSON:

23 We'll do that.

24
25 COUNCIL VICE PRESIDENT BERLINER:

26 But the bottom line is thank you. It's very impressive.

27
28 COUNCIL PRESIDENT ANDREWS:

29 Thank you. Any other comments? Councilmember Elrich?

30
31 COUNCILMEMBER ELRICH:

32 It was an impressive report. One thing I noticed was your beginning use of LEDs in
33 lighting, and I just--I'd seen an article about Raleigh, North Carolina. Whether it was
34 Raleigh or Raleigh-Durham, they did an extensive replacement of outdoor lighting with
35 LED fixtures and expect major savings with energy and maintenance because of reduced
36 frequency in which they have to go back and actually service the poles. And so I see that
37 you've got some LED but also some traditional lighting in there, and I'm just wondering
38 whether you're actually looking at perhaps a more aggressive move with LEDs. Are you
39 looking for results from what you've done so far? Or what would be the path to greater
40 utilization?

41
42 DICK ANDERSON:



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1 We've basically pilot-tested a number of opportunities. Actually, in Central Maintenance,
2 their whole core area has LEDs. Um, we're going to be trying to aggressively move
3 forward with the use of LEDs, particularly as the technology continues to improve. Where
4 it takes more than 2 hours to replace that, a bulb--and it's a non-task- related--LED makes
5 all kinds of sense. Because if you do it once, you use an \$11 bulb, but you don't have to
6 replace it again for 8 years. And so that's kind of our first criteria, but we're really looking
7 at ways to go forward with LED. And as soon as they can clarify the light a little bit better, I
8 would think that we'll be using them comprehensive. I suspect in 5 years that we'll be
9 lighting more buildings with LED fixtures than we will be with fluorescent bulbs, and I think
10 that's going to make a huge impact.

11
12 COUNCILMEMBER ELRICH:
13 Is it still too blue?

14
15 DICK ANDERSON:
16 Yes.

17
18 COUNCILMEMBER ELRICH:
19 OK.

20
21 DICK ANDERSON:
22 It's the one thing that you still have, but they're getting better. Actually, in the ones that are
23 in the Central Maintenance Office, is they actually are softer lighting and they look really
24 good. And--but they're very expensive for that application, but that's a perfect test
25 application for us to determine the viability, the maintenance, the service level and not
26 impact the--the other offices while we're learning.

27
28 COUNCILMEMBER ELRICH:
29 Thank you.

30
31 COUNCIL PRESIDENT ANDREWS:
32 OK, thank you, Councilmember Elrich, and thank you all. Impressive work and results.
33 And, Commissioner Robinson, thank you very much. I know there'll be a more formal
34 occasion to celebrate your service. But since this is your last formal meeting here as part
35 of at least the Semi-Annual Report, I wanted to take this opportunity to thank you on
36 behalf of the Council for your very dedicated and able service for 8 years. And with that,
37 we're going to move on to our last 2 items of the day before our public hearing this
38 evening. And we have a work session-- actually, we have a first, a session on the FY09-
39 14 Capital Improvements Program, amendments for the Police Department, and then the
40 Judicial Center Annex. And I don't anticipate this will take a long time, but I've been wrong
41 before. So let's have the representatives from the Police Department join us at the table.
42 And Linda McMillan, our senior legislative analyst who staffed this first item, will join us, as



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1 well. And I'll first ask Linda if she has any comments that she wishes to make about her
2 packet regarding the Capital Improvements Program amendments for the Police
3 Department, which includes the animal shelter. Linda?

4
5 LINDA McMILLAN:

6 No. The recommendations of the Committee are summarized on the first 2 pages. You
7 reviewed 2 amendments from the Executive and received updates on 2 other projects,
8 and they're highlighted for you.

9
10 COUNCIL PRESIDENT ANDREWS:

11 OK. All right, well, the first is the animal shelter. And first, let's turn to the table, have--I
12 want everybody to just introduce themselves for people viewing and listening. Just go
13 across the table, please.

14
15 NEIL SHORB:

16 Neil Shorb, Police Management and Budget.

17
18 DREW TRACY:

19 Drew Tracy, Assistant Chief of Police.

20
21 JAMES STILES:

22 Jim Stiles, Department of General Services.

23
24 ED PETERSON:

25 Ed Peterson?????, OMB.

26
27 JACQUELINE CARTER:

28 Jacqueline Carter, OMB.

29
30 COUNCIL PRESIDENT ANDREWS:

31 Good afternoon to you all. All right, the first amendment is regarding the animal shelter,
32 approving the expenditure changes recommended by the County Executive which shifts 2
33 million from FY10 TO 11. We were urged by staff not to approve the recommended
34 appropriation at this time, which we agreed with. And the Executive is discussing--has
35 some discussions ongoing with the U.S. Humane Society about co-location of their
36 building and shelter, and those negotiations are--I know discussions are continuing. Is
37 there any news that you have to report at this point? Or are they continuing discussions?

38
39 JAMES STILES:

40 Continuing discussions.

41
42 COUNCIL PRESIDENT ANDREWS:



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1 All right, and when--when might you have some news or decision? Any timeframe?
2 Rough, rough, timeframe?

3
4 JAMES STILES:

5 At this point, I really don't. We can't commit. There's a lot of different--as you know, we're
6 looking at 2 different possible locations for putting the existing location in Wheaton. So
7 there's a lot of different factors involved in terms of our continuing discussions.

8
9 COUNCIL PRESIDENT ANDREWS:

10 All right, well, we've very interested and urge a quick resolution, as quick as feasible on it,
11 given the need for a new animal shelter. On the Sixth District Station, we--Committee
12 recommended approving the Executive's proposed amendment. It would shift 8.7 million
13 in expenditures from years FY09-11 to FY12 in response to ongoing delays beginning the
14 project. The Committee has requested a written update by June 15 on the status of the
15 road which is needed regarding the construction of Watkins Mill extended, which must be
16 completed to the station site before work on the station can begin. I see Councilmember
17 Knapp has his light on. I'll turn to him.

18
19 COUNCILMEMBER KNAPP:

20 Mr. President, I apologize. This is one of the things I missed in not being in the
21 Committee. Um, I've had ongoing conversations with I think everybody--most people at
22 the table, with Linda, and with the developer. And it's my understanding in addition to the
23 road, the other issue we still have to address is one of running utilities. Is that not correct?
24 So in addition to the roads--I guess as I understand the issue, one of the things we have
25 to figure out is how to actually jump-start the utilities piece. Who's going to own it, whether
26 it's going to be a developer? Whether we need to potentially front costs and they can pay
27 us back? What alternatives exists for us to accelerate both the running of utilities and the
28 road?

29
30 JAMES STILES:

31 The road, as you mentioned, is--pretty much we got the deal worked out in terms of
32 putting the road in. The issue is on utilities. The original plan of the developer was to run
33 utilities to our site differently. In the development he was like water and sewer were going
34 to be run throughout this community. So now that we're asking him to give us our police
35 station site earlier, we have to look at ideas of getting those utilities to our site in a
36 different way. So we're discussing the cost, to him and to us, for doing it out of sequence,
37 if you will. And what's a fair cost, and that's one of the things we're negotiating. What's a
38 fair cost for doing this out of sequence?

39
40 COUNCILMEMBER KNAPP:



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1 Is there any likelihood that if those conversations were to reach some reasonable
2 approach that what we are recommending or any of the changes that we're proposing
3 here would hinder our ability to move as quickly as possible?
4

5 JAMES STILES:

6 There's a slim chance. And if it is, we will come back and ask for it. But at this time, it
7 looks like it'd be--the earliest we're probably going to be able to start the building is July of
8 next year, which is the next Fiscal Year...
9

10 COUNCILMEMBER KNAPP:

11 Even if we get the utilities issue worked out?
12

13 JAMES STILES:

14 Because basically we have to build the road first, and the utilities come with the road, and
15 the road would probably not start till summer at the earliest. From the time we can make
16 all agreements this summer, we're probably not going to be finished till next spring. By the
17 time we get the project for the police station, it'll probably be summer of next year when
18 the police station can get started...
19

20 COUNCILMEMBER KNAPP:

21 Do you think--the Committee recommended or requested an update on June 15. Would
22 you be in position to update the utilities at that same time?
23

24 JAMES STILES:

25 Yes.
26

27 COUNCILMEMBER KNAPP:

28 OK. That would be my only concern, is that we--you know, to make sure that the fact that
29 we have gone ahead with the CIP modification doesn't then become the excuse for not
30 doing something as quickly as possible. I understand as presented that that doesn't look
31 like it would be the case. But oftentimes we end up with kind of this circular situation
32 where we couldn't get something done, so move the appropriation. We could get it done
33 sooner, but then we moved the money. And so now everything is delayed longer, and
34 everything's kind of an excuse for every other thing. And that would be my only concern, is
35 just to make sure that--I think we recognize that the need to get a police station built is
36 pretty significant, especially given the status of the current interim facility. And so if there's
37 anything we can do to accelerate it--the fact that we've just made this modification I don't
38 think should be seen as an indication that we don't want to move as quickly as possible.
39

40 JAMES STILES:

41 We agree. And if we can, we will come back for more appropriation.
42



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1 COUNCILMEMBER KNAPP:

2 OK.

3
4 JACQUELINE CARTER:

5 Utilities should be done as part of the road project, so this change wouldn't impact that--
6 the running of the utilities.

7
8 COUNCIL PRESIDENT ANDREWS:

9 OK.

10
11 LINDA McMILLAN:

12 And there was a clarification at the meeting. Mr. Elrich asked whether we could start
13 grating the site prior to the road being completed. And the response that was received
14 was that the road had--because of the nature of the site, the road had to be completed to
15 get the equipment in to even start work on the site, because that option was put out there
16 by the committee ... just, you know, starting on the police site...

17
18 COUNCIL PRESIDENT ANDREWS:

19 Linda, you might move your mike a little closer, OK? Councilmember Knapp?

20
21 COUNCILMEMBER KNAPP:

22 And the other piece I would just--there might be some increased cost here, and I don't
23 think anybody wants to spend any more money than we have to. But we're talking about a
24 lot of money being thrown around for a lot of different capital projects as it relates to public
25 safety right now, many of which weren't actually in the CIP before. And I think it's
26 important for us to make sure that we focus on those public safety projects that have been
27 in the CIP for a long time. And if it costs us a little more money to get those things done
28 and done quickly, I would prefer that we take that approach, as opposed to ending up in a
29 situation where, again, the things we might allocate are being delayed while we try to
30 accelerate other things that weren't even on the list. Not that those aren't important things,
31 but these already kind of worked their way through the process and I think we need to get
32 them done.

33
34 COUNCIL PRESIDENT ANDREWS:

35 OK. So if the Council needs to make any adjustment to this in order to ensure that you
36 can go forward as fast as possible, you will let us know? All right, then we will do that. OK,
37 the Committee received an update on the Second District Station, which is Bethesda,
38 which is proposed to be relocated and replaced through a public/private partnership. An
39 RFP was issued. The Executive has selected a developer that his staff will be negotiating
40 with. One option is to rebuild the station back at the current site, and the second would
41 include a land swap with another site a few blocks away but still within the CBD. And we



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1 would--we did request an update be scheduled when the plans and proposal are in a
2 position to be shared. Do you have any idea when this might be?

3
4 JAMES STILES:

5 The first negotiation with the developer is actually scheduled for Thursday, so we
6 probably--one of the first things we're going to talk about is their timeline, too. So we'll
7 probably have better information in a couple weeks.

8
9 COUNCIL PRESIDENT ANDREWS:

10 2 weeks? OK, all right. Let us know in a couple weeks if you do have that. Thank you.
11 Council Vice President Berliner?

12
13 COUNCIL VICE PRESIDENT BERLINER:

14 With respect to that particular project, it had been among those that I thought could have
15 been co-locating affordable housing in combination with that project. Is that under--is that
16 being explored at all?

17
18 JAMES STILES:

19 It's one of the things on the agenda that we'll talk about with the developer.

20
21 COUNCIL VICE PRESIDENT BERLINER:

22 I'd be grateful for a report back from you with respect to that piece of it because there are
23 not--it's very difficult in Bethesda for affordable housing. And when we have County-
24 owned property, it affords us a unique opportunity.

25
26 JAMES STILES:

27 We're looking for some also.

28
29 COUNCIL VICE PRESIDENT BERLINER:

30 Thank you.

31
32 COUNCIL PRESIDENT ANDREWS:

33 You might need to move the mike a little closer right in front. There you go. All right, and
34 the fourth item was that we receive an update on the Third District Station, which is the
35 Silver Spring District, which is being relocated. The Silver Spring Station will be relocated
36 to the White Oak area for that district. Master-planning the site has reserving about 4
37 acres for the station, about 7 acres for an affordable-housing development. Shared road
38 and utilities will be present. And the Third District Station Project is now entering
39 schematic design. Is there any change to that since we last met?

40
41 JAMES STILES:

42 No. That's a correct update.



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1
2 COUNCIL PRESIDENT ANDREWS:

3 OK. All right, any questions or comments on any of those items? I don't see any others.
4 OK, all right. Then we're accepting the report. Thank you very much. And our final item for
5 the afternoon but not the day is the recommended amendment to the FY09-14 Capital
6 Improvements Program for the Judicial Center Annex. And I see Judge Ann Harrington,
7 Administrative Chief Judge, has been waiting patiently, thank you, and is accompanied by
8 2 other able people to the table. Let's have everybody introduce themselves, please.
9

10 HAMID OMIDVAR:

11 Hamid Omidvar, DJS.
12

13 ANN HARRINGTON:

14 Ann Harrington, Circuit Court.
15

16 PAM HARRIS:

17 Pam Harris, Circuit Court.
18

19 AMY WILSON:

20 Amy Wilson, OMB.
21

22 JACQUELINE CARTER:

23 Jacqueline Carter, OMB.
24

25 COUNCIL PRESIDENT ANDREWS:

26 OK. Good afternoon to you all. As my colleagues well know, this is a very much needed
27 project. We're out of courtrooms and support-staff space. We need more room, and that's
28 what this Annex will provide. The County Council reduced the potential scope of this
29 project last year to 100 million for the Annex and left the roughly 35 million, 40 million for
30 replacing the HVAC and all the other related issues in the current building. And so that
31 was what we felt was the most that we could afford in our capital budget for this important
32 purpose, and the project was downsized to fall within that amount. And now the planning
33 and design is going forward, and this amendment would shift 3.5 million from FY10 to
34 reflect when the money is needed. It does not impact the construction schedule for either
35 the Annex or the HVAC upgrade. And I just want to confirm that that is correct and just get
36 a quick update. So that is correct? It doesn't affect--
37

38 HAMID OMIDVAR:

39 Yes, it is correct.
40

41 COUNCIL PRESIDENT ANDREWS:



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1 OK. And what is going on right now in terms of the design for this building and for
2 replacing the HVAC?

3
4 HAMID OMIDVAR:

5 For HVAC, we are on schedule. We are right now in the design development phase. All
6 the alternatives to make the most cost-effective system of taking the current existing
7 equipment out from the roof and bringing in, with crane, equipment inside. And how do we
8 replace them so that we don't have a downtime and make room available in the
9 penthouse? We are into strategizing basically construction of the project. Systems are
10 selected, and we are on schedule. And if the project goes actually very well, we think
11 we're going to be below what we thought we would be in terms of cost. We found better
12 ways of doing things, smarter ways of doing things. And I relate the message regarding
13 the energy efficiency of all the equipment. The consultants are preparing a couple of
14 pages of report. As soon as I get my hands on them--I was hoping I could bring them
15 today. Not delivered to me, but we'll hand it out to you. The project is on track.

16
17 COUNCIL PRESIDENT ANDREWS:

18 What's the latest timing on each of the 2 projects?

19
20 HAMID OMIDVAR:

21 The schedule for the HVAC is that design development will be completed by May, 2009.
22 The importance of the fact that I give you design development completed is because we
23 always said that at the end of design development, we have a better understanding of the
24 cost closer to the reality than before that. And we want to put it up to bid on June, 2009.
25 And construction will begin October, 2009, because we need to procure it and coordinate
26 with the contractor so they understand the scope of the project.

27
28 COUNCIL PRESIDENT ANDREWS:

29 And how long will it take?

30
31 HAMID OMIDVAR:

32 We think this one--we have 4 floors, and each floor is divided into 2 zones. So it has
33 literally 8 phases, but we are trying to even reduce that. As of today, we think it may take
34 between 9 to a year to do it.

35
36 COUNCIL PRESIDENT ANDREWS:

37 9 months to a year?

38
39 HAMID OMIDVAR:

40 9 months to a year. We hope to reduce that, as well. We are trying to find ways of
41 connecting to existing ductwork so we don't have to have a downtime even there, but
42 we're not there yet.



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1
2 COUNCIL PRESIDENT ANDREWS:

3 OK. And what's the latest on the schedule for beginning construction on--when would you
4 anticipate design being done on the--the annex?

5
6 HAMID OMIDVAR:

7 The annex, now we have a good program requirement, and now we have a--it's verified it
8 works with the direction we got from the council and the need of the courts. We know what
9 we want now and the concept for the building has been developed. We know the floor
10 plan. We know the stacking. We know what function goes on what floor. Size of the floor
11 and juxtaposition and arrangement of the courts with other functions. We also know the
12 basic conceptual look of the building. We will come soon to you and present as we
13 promised as soon as we iron out some of the wrinkles in the project. But we think now that
14 it's going to be very, very nice and a state-of-the-art project, so we are in the schematic
15 design phase now on that project, and the schedule is that design and development will
16 be completed by January 2010. We are on a schedule. And construction documents will
17 be completed then in August, and construction will begin November of 2010. We think that
18 one is going to take 3 years, and the reason is, again, because we have to renovate some
19 of the existing facility, move people around, and then build a new building, move them in,
20 and then move them back, so we are using our existing facility as swing space, so for
21 everything to get completed, it will take 3 years.

22
23 COUNCIL PRESIDENT ANDREWS:

24 OK. All right. Council Vice President Berliner.

25
26 COUNCIL VICE PRESIDENT BERLINER:

27 I just was struck by your observation that it'll be a good-looking building. I certainly hope
28 so, because I confess I--I don't believe we have enough good-looking buildings in
29 Montgomery County, and if we're spending these kinds of dollars on a building, we ought
30 to get something that really is good-looking, and I for one would love to see the
31 architectural designs when you get to that point. I do think it's important that our citizens
32 go by it. They're gonna be asking how could we expend these kinds of dollars. It should
33 be drop-dead beautiful. OK? In terms of what it says to the community.

34
35 COUNCIL PRESIDENT ANDREWS:

36 But within budget.

37
38 UNKNOWN SPEAKER:

39 Within budget.

40
41 COUNCIL VICE PRESIDENT BERLINER:

42 But it ought to look very nice.



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HAMID OMIDVAR:

I can't agree with you more. We had that observation. I had that observation a few years ago when--when I got tasked, and the products since then that we had chance to come out of our shop is Rockville Library, the Germantown Library, the Strathmore Hall, Damascus Community Rec Center. The Mid-County Community Center is on its way. So we won't-- nothing will come out of the shop if it looks really worthy of Montgomery County.

COUNCIL PRESIDENT ANDREWS:

OK. And it is in a very prominent location, so it will be seen a lot. I want to--I should've done this earlier--ask our legislative analyst Susan John Farag if she has any comments she wants to make.

SUSAN JOHN FARAG?????:

The only other issue that the committee's discussed over the past year is the bid alternate that's been proposed to add an additional floor, to make sure they can accommodate the Family Services Division as one entity.

COUNCIL PRESIDENT ANDREWS:

All right. That's right, and you're bidding that out. You're gonna plan to bid it out that way, right?

HAMID OMIDVAR:

We did. What we did, we went back and we--we-- we strategized what that means, and what--it's already in the design now, so we don't have 2 design, one with it, one without it. It--it is very complicated to create 2 buildings, one with--without a floor at the middle and one--so we decided it's--it's worth it, and we took that risk and included in it and we're designing with it. But at the end of the day, if we think that we want to take it out, we are not gonna modify the rest of the building and reduce it, because cost of designing 2 or cost of modification is too much. So in that sense, regardless, you have the opportunity to make that decision. And we think that floor would be affordable the way we are designing it.

COUNCIL PRESIDENT ANDREWS:

OK. Good. And it will serve a very important public purpose by having it there. Judge Harrington, would you like to make any comments?

ANN HARRINGTON:

Only that it's very exciting to be involved in this project, and I endorse everything Hamid has said and he's certainly entirely committed to producing a beautiful building within budget, and it's very important to all of us and it seems to be as important to our



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1 architects, so we're very excited about the project. It's actually taking shape now, so it's
2 wonderful to be involved in.

3
4 COUNCIL PRESIDENT ANDREWS:

5 Good, good, good. OK. Excellent. All right. Any comments? Questions? OK. No
6 comments. We are--then that is--we are in good shape there. Council is accepting the
7 committee recommendation, and we're all very happy to see it moving forward after a long
8 time. So, thank you all and we are gonna recess until--adjourn until 7:30 for a public
9 hearing on historic preservation amendments. We'll see you all then.

10